



# The Police Commission

---

## CITY AND COUNTY OF SAN FRANCISCO

February 17, 2022

Chief William Scott  
Chief of Police

Dear Chief Scott:

At the meeting of the Police Commission on Wednesday, February 16, 2022, the following resolution was adopted:

### **RESOLUTION 22-28**

### **ADOPTION OF REVISED DEPARTMENT GENERAL ORDER 6.09, "DOMESTIC VIOLENCE" AND DOMESTIC VIOLENCE MANUAL**

---

RESOLVED, that the Police Commission hereby adopts revised Department General Order 6.09, "Domestic Violence" and Domestic Violence Manual;

AYES: Commissioners Cohen, Elias, Hamasaki, Yee, Byrne, Carter-Oberstone, Yanez

Very truly yours,

Sergeant Stacy Youngblood  
Secretary  
San Francisco Police Commission

MALIA COHEN  
President

CINDY ELIAS  
Vice President

JOHN HAMASAKI  
Commissioner

LARRY YEE  
Commissioner

JAMES BYRNE  
Commissioner

MAX CARTER-OBERSTONE  
Commissioner

JESUS YANEZ  
Commissioner

---

Sergeant Stacy Youngblood  
Secretary

1211/rct

cc: Captain N. Rainsford/PSPP  
Gloria Rosalejos/Written Directives



---

## **DOMESTIC VIOLENCE**

### **6.09.01. PURPOSE**

This order establishes Department policies regarding domestic violence incidents and outlines procedures for investigations as well as processing, and enforcing court orders.

### **6.09.02 POLICY**

- A. It is the policy of the San Francisco Police Department that members treat all acts of domestic violence as criminal conduct. When the elements of a crime exist, members shall make an arrest instead of using dispute mediation or other police intervention techniques.
- B. The first members who respond to a domestic violence call play the most critical role in victim and family safety and in ensuring that the offender is held accountable whether or not the suspect is on scene for an arrest or gone on arrival. A thorough and complete investigation of the incident and documentation of all prior unreported incidents between the parties may allow a case to be prosecuted in court whether or not the victim or witnesses actually testify.
- C. In **ALL** cases where a reportee alleges that domestic violence has occurred, even if an arrest is not made, members shall give the victim a Special Victims Unit Follow up & Referral Card (SFPD 142) in the appropriate language, if available.
- D. Members shall not allow any of the following factors to influence their course of action during domestic violence incidents:
  - 1. The marital status of the suspect and the victim.
  - 2. Whether the suspect currently lives with the victim.
  - 3. The existence or lack of a restraining order or stay away order.
  - 4. The potential financial consequences of arrest.
  - 5. The victim's history of complaints.
  - 6. Verbal assurances from either party that the violence will cease.
  - 7. The victim's emotional status.
  - 8. Whether injuries are visible.
  - 9. The location of the incident (public or private).
  - 10. Speculation that the victim may not follow through with the prosecution or that the arrest may not lead to a conviction.
  - 11. The victim's initial reluctance regarding a member-initiated arrest.
  - 12. The victim and suspect are the same gender.
  - 13. Whether either party has limited English proficiency.
  - 14. Either party's citizenship/immigration status.

- E. For victims, witnesses, and suspects with limited English proficiency, members shall provide language assistance, including translated forms if available, in compliance with DGO 5.20, *Language Access Services for Limited English Proficient (LEP) Persons*.

### **6.09.03 DEFINITIONS<sup>1</sup>**

- A. **DOMESTIC VIOLENCE.** Domestic Violence means abuse committed against an adult or a minor (*Penal Code Section 13700(b)*). For a list of common offenses associated with domestic violence, please refer to the Department Domestic Violence Manual. This include(s) one or more of the following **relationships**:

- spouse/former spouse
- cohabitant/former cohabitant
- dating relationship/former dating relationship
- engagement relationship/ former engagement relationship
- person with whom a child is shared
- Domestic partners
- Same sex relationships are included

- B. **ABUSE.** Abuse means:

- intentionally or recklessly cause or attempt to cause bodily injury.
- sexual assault.
- to place a person in reasonable apprehension of imminent serious bodily injury to that person or another.
- to molest, attack, strike, stalk, destroy personal property, or violate the terms of a domestic violence protective order issued under the Domestic Violence Prevention Act. <sup>2</sup>

- C. **STALKING.** Occurs when any person willfully, maliciously, and repeatedly follows or harasses another person and makes a credible threat with the intent of placing that person in reasonable fear for his or her safety, or that of his or her immediate family (646.9 PC).

- D. **COHABITANT.** Cohabitants means two unrelated persons living together for a substantial period resulting in some permanency of relationship (Penal Code Section 13700(b)). In the context of domestic violence, parties who are simply co-

---

<sup>1</sup> For a more comprehensive list of definitions related to domestic violence, please refer to the SFPD Domestic Violence & Intimate Partner Stalking Manual.

<sup>2</sup> Reference CA Penal Code Sections for Abuse: 13700(a) PC and 16120 PC & Domestic Violence Prevention Act: Commencing with Family code section 6200 et seq.

tenants, not involved in intimate relationships, are not considered cohabitant. Factors that may be considered when determining whether individuals are cohabitating include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters
- Sharing income or expenses
- Joint use or ownership of property
- Whether the parties hold themselves out as spouses
- The continuity of the relationship
- The length of the relationship

- E. **DATING RELATIONSHIP.** A dating relationship is frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations (Penal Code Section 243(f)(10)).
- F. **PROTECTIVE ORDER.** A protective order or court order of protection is a court-ordered injunction - regardless of form, content, length, layout, or type (i.e., stay-away, restraining, criminal, civil, temporary, emergency order, gun violence restraining order) - issued for the purpose of preventing interaction between a subject and a specific ("protected") person or persons including, but not limited to:
- Violent or threatening acts against the protected person(s)
  - Stalking or harassment of the protected person(s)
  - Contact or communication with the protected person(s), either directly or through a third party
  - Physical proximity to the protected person(s)
  - Specific interaction or activity, as ordered by the court
- G. **DOMINANT AGGRESSOR.** The person determined to be the most significant, rather than the first aggressor. In identifying the dominant aggressor, the member shall consider the intent of the law to protect victims of DV from continuing abuse, the threats creating fear of physical injury, the history of DV between the persons involved, and whether either person acted in self-defense (13701(b) PC, refer to **DV Manual**).
- H. **STRANGULATION.** Is a form of asphyxia (lack of oxygen) characterized by closure of the vessels and or air passages of the neck as a result of external pressure on the neck. "CHOKING" is an internal obstruction of the airway by a foreign object.

## **6.09.04 PROCEDURES**

Members play a critical and vital role in domestic violence calls for service, and procedures outlined in the Domestic Violence Manual provide the necessary information for members

to respond to domestic violence calls. The Domestic Violence Manual contains procedures for:

1. before arriving at the scene,
2. prior to entering and securing the scene,
3. interacting with limited English proficiency,
4. interacting with transgender, gender-variant and non-binary individuals,
5. identifying the dominant aggressor, and
6. collection of evidence.

Additional key procedures include:

**A. IDENTIFY THE DOMINANT AGGRESSOR**

1. The dominant aggressor is the most significant aggressor rather than the first person to strike.
2. When identifying the dominant aggressor, officers shall consider:
  - a) the law's intent is to protect DV victims from continuing abuse,
  - b) any and all threats that create the fear of physical injury or abuse,
  - c) the history of reported and unreported domestic violence,
  - d) whether the person acted in self-defense,
  - e) whether one party is in actual fear of the other,
  - f) whether there is a history of violence or pattern of control by one party against the other,
  - g) whether the injuries are consistent with the statements made,
  - h) whether the injuries appear consistent with self-defense, and
  - i) which party will be in greater danger if nothing is done.
3. The presence of or lack of any injury, does not in itself determine the dominant aggressor. A thorough investigation is required.
4. Officers shall make dominant aggressor determination after speaking to both parties separately and analyzing their statements and the evidence.

**B. VICTIM INTERVIEW (Refer to Domestic Violence manual)**

1. Establish the nature of the relationship between suspect and victim.
2. Members should audio record the victim's statement regardless of body worn cameras.
3. Get details of the current incident and details of any prior violence, intimidation, threats, or sexual assault, restraining order violations. Ask if suspect used/ has access to weapons.
4. If the victim alleges self-defense (e.g., the victim scratched or bit offender), ask victim to describe actions the victim took and why.

5. Determine if the suspect took away or damaged the victim's phone or removed incriminating photos or other evidence on the victim's or suspect's phone.
6. Interview victim in private and offer confidentiality.
7. Member shall provide the victim with report number (Reportee Form No. 105), Special Victims Unit (SVU) referral card, Marsy's Rights card, and Victim of Violent Crime Form and follow up information (in appropriate language).
8. Provide information about referrals and shelter to the victim and availability of victim compensation for medical costs.

**C. SUSPECT INTERVIEW**

1. Identify relationship between suspect & victim.
2. Record custodial interrogation, "Mirandize" and interview the suspect regardless of felony or misdemeanor charges (**refer to DV manual**).
3. If suspect is a juvenile, follow current SFPD policy and procedure.
4. If SVU is notified, confer with responding investigators prior to interviewing suspect.

**D. PRESENCE OF CHILDREN**

1. In an age-appropriate manner, ask children what they saw, what they heard and what happened. Detail the tone, demeanor, location, name, and age of the child in the report.
2. Notify the FCS Child Abuse Hotline if the investigation indicates any crime against the child (**refer to DV manual**).

**E. VICTIM/WITNESS/SUSPECT INTERACTIONS**

1. Members are reminded of policies surrounding interactions with persons with Limited English Proficiency (DGO 5.20), the Deaf and Hard of Hearing (DGO 5.23), and Transgender, Gender-Variant, and Non-binary Individuals (DGO 5.22).
2. Members shall not use children, family members, or bystanders for interpretation, except in exigent circumstances. Follow the above policies to ensure appropriate interpretation services are made available for these individuals and that TGN individuals are addressed appropriately. Consult Department Domestic Violence Manual for additional information.

**F. PRESENCE OF ANIMALS**

If an animal is injured or killed during the incident, photograph animal and contact Animal Care and Control (ACC). Add animal(s) to EPO, if appropriate (Penal Code Section 597(a)).

#### G. LETHALITY

Because the crime of domestic violence has such a high risk of lethality, it is important and incumbent upon first responders to complete an accurate assessment of the risk of lethality as soon as possible.

Upon arrival at all incidents of domestic violence, once the scene is secured and their investigation is complete, members will complete the "Domestic Violence Lethality Screen for San Francisco Police Department First Responders" (**refer to DV manual - Lethality Assessment**).

#### H. STRANGULATION

Describe strangulation attempts in detail. It should be noted whether hands or a ligature device was used. The force of the attempt should be detailed. If present, consider additional charges of 664/187 PC, attempted murder, 245 PC, assault with force likely to produce great bodily injury, 422 PC criminal threat, 236 PC false imprisonment or 243(d), battery with serious bodily injury (**refer to DV manual**).

- a) Did the victim lose consciousness?
- b) Does the victim have difficulty breathing or swallowing?
- c) Are there any marks visible on the victim's neck?
- d) Does the victim complain of a hoarse or raspy voice as a result of the injuries?
- e) Is there an indication of petechiae (rupture of the small capillaries, usually in the eyes, head or neck area above the point of constriction)?
- f) Did suspect make credible threat he was going to kill or cause great bodily injury to the victim?
- g) Was the victim held against their will (restrained, confined or detained)?
- h) Members are to inform the victim to have follow-up photograph of injuries within 48 hours after the abuse at the Photo Lab.
- i) Members shall call an ambulance if a victim has been strangled.

#### I. FELONY ARRESTS

- 1. Members shall make an arrest whenever probable cause exists to believe a felony has occurred.
- 2. In all felony domestic violence cases, members shall refer the victim to the SVU for follow-up investigation, regardless of whether an arrest has been made.

**J. MISDEMEANOR ARRESTS**

1. Members shall make an arrest whenever probable cause exists to believe a misdemeanor has occurred in their presence. For all misdemeanor arrest cases, members shall refer the victim to the District Attorney's Office for follow-up investigation.
2. When a misdemeanor has occurred, but not in the members' presence, members shall inform the victim that the victim may make a private person's arrest.
3. If probable cause exists to believe that an assault or battery has occurred upon a current or former spouse or cohabitant, upon a person in a current or former dating or engagement relationship, or upon a parent of a child in common, and the arrest is made as soon as probable cause arises, then no private person's arrest is required.
4. If probable cause exists to believe a violation of a domestic violence court order has occurred and the suspect has notice of the order, members shall make a warrantless arrest and book the suspect whether or not the violation occurred in the members' presence.
5. After an arrest has been made, members should book or cite the suspect based upon whether the offense is likely to continue. Members should consider the suspect's history of violence, whether the victim is fearful of retaliation and any violation of an existing domestic violence protective order.
  - a. Generally, do not cite and release in domestic violence cases.
  - b. Use caution when deciding whether to cite and release in a dual arrest situation and check with a supervisor.
6. When an arrest has not been made in a criminal case, members shall refer the victim to the SVU for follow-up investigation.

**K. COLLECTING EVIDENCE (refer to DV manual, DGO 6.02, DGO 6.15)**

1. Confiscating Weapons
  - a. Members shall confiscate any firearm or other deadly weapon discovered at a domestic violence scene.
  - b. Leave weapon in place and direct a member to watch over the weapon until the crime scene is processed unless it is unsafe to do so.
  - c. Photograph the weapon and its location prior to confiscating it unless exigent circumstances exist or for scene safety.

- d. Pursuant to 18250 PC, when confiscating a weapon, members shall give the owner or person in possession of the weapon a property receipt and tell them to contact the SVU regarding its return.
2. **Photographic Evidence.** Photograph crime scene and location of any evidence prior to moving the evidence unless exigent circumstances exist (refer to DGO 6.02, *Physical Evidence and Crime Scenes* and **DV manual**).
3. **Electronic Evidence.** Note the existence of any potential electronic evidence (**refer to DV manual**).

#### L. CIVIL STANDBY

If a member has a question or concern about duration of a civil standby or the clarity of an order, the member should contact a supervisor.

#### Definitions:

- a. **Protected Party** is the victim protected by a court order and can include members of the victim's household and minor children.
- b. **Restrained Party** is the individual restrained or enjoined from acts including but not limited to abuse, assault, contact, and harassment.
- c. **Court Orders** include but are not limited to: Emergency Protective Order, Temporary Restraining Order, Restraining Order After Hearing, Civil Harassment Order, Criminal Protective Order, and any and all protective orders from another State, Indian tribe, or territory pursuant to the Violence Against Women Act (18 U.S.C. § 2265).

#### 1. CIVIL STANDBY WHEN THERE ARE NO COURT ORDERS

A civil standby can be requested for any individual requesting assistance to remove their personal property from a residence or a location, to achieve safe passage out of a residence or a location, and to facilitate exchanges or visitation of minor children.

#### 2. CIVIL STANDBY WHEN THERE IS A COURT ORDER(s)

- a. If there is a court order, a protected party is still entitled to a civil standby and members shall read and review the entire order to determine the scope of the standby provisions. Notwithstanding a no contact order, there may be exceptions for brief and peaceful contact between the protected party and the restrained party for any number of reasons including but not limited to exchanges or visitation of minor children. Members shall provide a civil standby pursuant to that court order.

- b. Emergency Protective Orders (EPO) do not include an exception to the no contact orders and therefore do not allow for a civil standby for the restrained party.

### 3. PROCEDURE AND DURATION

- a. Once a party requests a civil standby, members will respond when they are available, subject to other priority matters.
- b. A civil standby shall be provided for a reasonable time to allow for the individual to gather their personal items and any minor children's personal items.

### M. SHELTER

If the need exists, members should assist in arranging shelter for the victim. When a member contacts a shelter, the shelter staff will make arrangements to pick up the victim. Shelter information is confidential; members shall not indicate the name, address or phone number of the shelter in the incident report. Members can contact La Casa de las Madres when follow-up with the victim is needed for the investigation. The staff at La Casa de las Madres will contact the victim on behalf of the member and relay any message. However, members should attempt to obtain any personal contact information (cell phone number, email address, etc.) from the victim. Members shall **not** include this information in the incident report but rather forward the information to the SVU.

### N. INCIDENT REPORTS

Members shall investigate and write an incident report for any crime that involves domestic violence (even if the suspect is not at the scene). This includes threats and/or violations of any court order. Keep in mind that interviews, collection of evidence, and documentation will be the sole opportunity for ensuring the successful outcome of the case.

- 1. Members shall check the "Domestic Violence" box on the face sheet of the incident report.
- 2. Members shall include the following information in the narrative of the incident report:
  - a. Give a chronology describing what precipitated the incident, details of the incident, and details of any injuries, how the injuries were inflicted and whether the injuries are consistent with the described abuse.
  - b. Describe in detail all past incidents, including undocumented incidents, violations of existing or past restraining orders, and incidents with other victims.

- c. It is essential to note in direct quotes all parties' spontaneous statements per Proposition 115. This evidence is admissible regardless of victim's or other party's presence at trial (Post-Crawford).
  - d. Include whether any party to the incident was under the influence of drugs or alcohol or is taking or has not taken prescribed medication.
  - e. Confirm contact number(s) and email address for the victim are correct and functioning.
  - f. List alternate phone numbers for the victim.
  - g. Identify suspect via Cal-photo, mug photo, or home photo. Have victim review and sign photo of the known suspect, if feasible.
  - h. Whether the responding member found it necessary to inquire if any firearms or other deadly weapons were present at the scene and whether that inquiry disclosed the presence of firearms or other deadly weapons.
  - i. That the victim was given a Special Victims Referral Card and was advised of follow-up procedures.
  - j. If dominant aggressor is an issue and a determination is made, members shall document the investigative steps taken to identify which party was the dominant aggressor (**refer to DV manual**).
3. Members shall offer confidentiality to victims of domestic violence. If the victim requests confidentiality, members shall check the "confidentiality requested" box in the Victim Reporting Section of the incident report.
4. Members shall complete the Domestic Violence Supplemental Checklist (SFPD 480a and 480b) and Lethality Assessment forms for all domestic violence related incidents (including court protective order violations, threats and stalking). Members shall electronically upload the Supplemental Checklist and Lethality Assessment before booking the original into evidence.
5. If the victim chooses to leave the premises because they are fearful the suspect may return, members shall obtain a phone number and address where the victim can be contacted, unless the victim is staying at a shelter (**refer to DV manual**). Members shall **not** include this information in the incident report but rather forward the information to the SVU prior to the end of watch.
6. If a crime has not occurred, members shall document the details of the call in the CAD and provide the complainant with the CAD (call) number.
7. Code all domestic violence-related calls for service in the CAD as follows: "DV" Domestic Violence or "DVW" Domestic Violence/Weapon and indicate the particular weapon (fist, feet, etc. are considered weapons).
8. Scan EPO, statements, and other attachments (upload) before booking them into evidence.

9. Notify DOC/ SVU questions regarding reporting (**refer to DV manual**).

**O. TREATMENT/DOCUMENTATION OF INJURIES**

If anyone has been injured, members shall arrange for medical treatment, even if the injury is not visible. Members shall describe the injury and any medical treatment in the incident report. Members should attempt to photograph any visible injuries, and upload and book the photographs as evidence.

**P. FAMILY AND CHILDREN'S SERVICES (FCS)**

In the case of a domestic violence call – or other similar call (kidnapping, elder abuse, sexual assault or other family violence) – when a member makes an arrest and a child is present, the member shall contact the FCS hotline as soon as practical in compliance with DGO 7.04, *Children of Arrested Parents*.

In the case of a domestic violence call – or other similar call (kidnapping, elder abuse, sexual assault or other family violence) – when no arrest is made but a child is present, the member shall contact the FCS hotline as soon as practical (**refer to DV manual**).

The member shall also fax a copy of the incident report to the FCS hotline.

**Q. BOOKING FORM**

When completing the San Francisco Field Arrest Card for arrests involving domestic violence, members shall check the “yes” box in the “DV Related” section of the form.

**R. COURT PROTECTIVE ORDERS**

Civil and criminal court judges issue protective orders. These orders may prohibit an individual from contacting, harassing or molesting the applicant. Some orders determine temporary custody or tenancy. Members shall read all court orders carefully to determine their specific terms. All types of orders are valid throughout California and the United States. Violation of any term of a court protective order is a crime. Members shall make an arrest and book the suspect when enforcing a domestic violence court order. The following are types of court protective orders:

1. **RESTRAINING ORDERS.** A restraining order is a court order issued by a civil court judge. Restraining orders address a variety of domestic issues including dependency, protection of adults and children, child custody and eviction of a abuser. Restraining orders include temporary restraining orders.

- a. VERIFICATION. If a complainant states that a restraining order has been issued, members shall verify its existence and proof of service. A restraining order is verified when the complainant shows a copy of the order that has been officially stamped by the court that issued the order or when the order is on file with the Department. To determine whether the Department has the restraining order on file, members shall run a query on the alleged violator through CLETS or with DEM to determine the specific terms and status of the order.
- b. PROOF OF SERVICE OR NOTIFICATION. After verifying the order, members must obtain proof that the violator was either served the order or is aware of its terms prior to making an arrest. Members can obtain proof of service or notification of service by any of the following means:
  - i. Complainant shows a copy of the proof of service.
  - ii. Proof of service is on file with the Department.
  - iii. The order indicates the suspect was present in court when it was issued.
  - iv. A member previously notified the suspect of the existence of the restraining order and explained the terms.
  - v. A member served the restraining order on the suspect.
- c. NOTIFICATION/SERVICE BY MEMBER (See DGO 3.14, *Civil Legal Process*). If existence of a restraining order is confirmed, but a member cannot verify proof of service or proof of notice, members shall notify the suspect of the restraining order and describe its terms. If a copy of the restraining order is available, and it is practical to do so, members shall serve the suspect at the scene of reported domestic violence involving the parties. In either case, members shall warn the suspect that failure to comply with the order will result in arrest. Members shall give the complainant a Special Victims Unit Follow up & Referral Card (SFPD 142) and a Reportee Follow-up Form (SFPD 105) with the case number. Members shall advise the complainant to show the form to any member who may later respond.
  - i. Members shall document the notification or service in an incident report. Members shall title the report "Restraining Order Notification" or "Service of Restraining Order."
  - ii. Members shall complete proof of service form provided by the protected party and transmit completed form to the issuing court.
  - iii. Members shall immediately inform the Identification Section of the date and time of notification or service, the case number and the members name and star.
  - iv. Watch commanders shall maintain a separate file in the business office of the station for copies of all incident reports titled "Restraining Order Notifications" or "Service of Restraining Orders."

- d. **NO VERIFICATION AND/OR PROOF OF SERVICE.** If a victim does not have a copy of the restraining order and members are unable to verify its existence and proof of service (e.g., because of computer malfunction), members shall tell the complainant that if grounds exist the complainant may make a private person's arrest. If no arrest is made and the suspect is released, members shall write an incident report. Members shall advise the victim to contact the SVU for follow-up investigation.
  - e. **ARRESTS AND REPORTS.** Members shall use the appropriate subsection of Penal Code Section 273.6 when arresting a suspect for violation of a restraining order. In the incident report, members shall document the specific terms of the restraining order that were violated, identify the court, the date the order was issued, and the date the order expires. Members should book a copy of the restraining order as evidence if possible. Members shall advise the victim to contact the District Attorney's Office for the follow-up investigation.
2. **CRIMINAL PROTECTIVE ORDER (commonly called STAY AWAY ORDERS).** A judge may issue a stay away order in a criminal case when victim intimidation exists. Because the defendant and/or the defendant's attorney were present when the stay away order was issued, a stay away order does not require proof of service. The order is valid for the duration of the court's jurisdiction over the suspect, including probation. Criminal Protective Orders may also be issued for up to 10 years post-conviction for violation of specified crimes or for crimes involving domestic violence. Penal Code section 136.2(i)(1) outlines certain circumstances where the CPO outlives the sentence, including the term of probation.
- a. **VERIFICATION.** When a complainant claims that a criminal protective order/stay away order was issued, members should ask to see a copy. Members can make a computer query into the court management records to verify that the suspect is still under the court's jurisdiction. The Identification Section does not maintain records for these orders.
  - b. **ARRESTS AND REPORTS.** Members shall use the appropriate subsection of Penal Code Section 166 when arresting a suspect for violation of a stay away order. In the incident report members shall document the specific terms of the order that were violated, identify the court, the date the order was issued, and the date the order expires. Members should book a copy of the order as evidence if possible. Members shall advise the victim to contact the District Attorney's Office for follow-up investigation.
  - c. **UNABLE TO VERIFY.** If the victim does not have a copy of the stay away order, and members are unable to confirm it by querying the court management records, members should tell the victim that if grounds exist the victim may make a private person's arrest. If an arrest is not made or if the suspect is

released, members shall complete an incident report, and advise the victim to respond to the SVU for follow-up investigation.

3. **EMERGENCY PROTECTIVE ORDERS.** An Emergency Protective Order (EPO) is a type of Civil Court Protective Order; Members may obtain an EPO any time reasonable cause exists for a member to believe that an adult or child is in immediate and present danger of domestic violence, child abuse, stalking, child abduction, family violence or elder abuse (not including financial abuse) by a family or household member. EPOs remain in effect for five (5) court days and up to seven (7) calendar days. An EPO can only be issued by an on-call Superior Court Judge. On-call Superior Court judges are available 24 hours a day.
  - a. **EPO PROCEDURES.** Members shall determine if the circumstances surrounding the incident warrant application for an EPO. Members shall not base their decision on whether or not the victim wants an EPO, even if you think an EPO is in place. Members shall complete the most current version of the Application for Emergency Protective Order form.
  - b. **CONTACTING THE ON-CALL SUPERIOR COURT JUDGE.** After obtaining approval from their supervisor, members shall contact the on-call Superior Court Judge. The judge may request additional suspect information. Members should be able to advise the judge of the suspect's prior criminal convictions involving domestic violence, weapons or other violence, whether the suspect is the subject of any known current or prior restraining orders, any outstanding warrants and whether or not the suspect is currently on parole or probation. Members who experience problems obtaining an EPO shall document the difficulties in the narrative of the incident report and forward a copy of the report to the Officer in Charge of the SVU.
  - c. **VICTIM NOTIFICATION OF EPO.** Members shall provide the victim a copy of the completed EPO in English. For victims with limited English proficiency, members shall also provide a blank copy of the EPO in the appropriate language. Members shall document in the incident report that copies of the EPO were given to the victim. Translated EPO forms include Spanish, Chinese, Vietnamese and Korean.
  - d. **NOTIFICATION AND SERVICE.** The restrained party named on the EPO must be notified and served before enforcement of an EPO violation can occur. Members shall attempt to serve the restrained party with the EPO.
    - i. **SERVICE.** When serving the restrained party with an EPO, members shall complete the proof of service section of the form and give the protected party and the restrained party the appropriate copy. Orally inform an LEP suspect, through certified bilingual officer or language line, of the conditions of the EPO and provide the LEP suspect a translated copy of

- the served EPO, if it exists. Members shall leave a copy at their district station on the EPO clipboard and send the original to the Legal Division. Members shall describe the notification and the service in the incident report and attach a photocopy of the EPO. Members shall fax a copy of the completed EPO to the ID Bureau as soon as practical.
- ii. Conduct GUN (old QGH) (firearms register) on suspect and victim to determine if firearms at the scene or registered.
  - iii. Members shall attempt to serve the EPO on the suspect regardless of whether the suspect resides in a different San Francisco district from the member's station.
  - iv. When EPO service is completed in a subsequent shift, an member shall deliver a copy of the served EPO to the victim by the end of the shift, and document EPO service and victim's receipt of the served EPO in a supplemental incident report.
- e. UNABLE TO SERVE. If the restrained party cannot be served, members shall give the victim the appropriate copy of the EPO and advise the victim of available shelter and referral information. Members who have not served the EPO to the restrained party by the end of their watch shall give the completed unserved EPO form to the watch commander at the end of the member's shift regardless of whether service was achieved. The watch commander shall assign service of the EPO to another member.

For unserved EPOs at the end of the member's shift that involves a suspect who resides in a different San Francisco district from the member's station, the member shall confirm receipt (fax or email) of the unserved EPO to the watch commander in the district where the suspect resides. The member shall document the time and date and identity of the station staff that confirmed receipt of the unserved EPO.

- f. WATCH COMMANDER DUTIES. Watch commanders shall maintain a file of all unserved EPOs and notify the oncoming watch commander of any unserved orders. The watch commander on each shift is responsible for assigning members to serve any unserved EPOs. The watch commander shall also ensure that copies of served EPOs are maintained in the station business office until the orders have expired. Watch commanders shall forward all expired EPOs to the SVU.
- g. ARRESTS AND REPORTS. Before arresting a suspect for violating an EPO, members shall verify the order, the expiration date, and proof of notification by checking the protected party's copy of the order or by checking the station copy of the order. Members shall use the appropriate subsection of Penal Code Section 273.6 when arresting the suspect. Members shall include in the incident report the specific terms of the emergency protective order that were violated, the court that issued the order, the date the order was issued, and the

date the order expires. If possible, attach a photocopy of the EPO to the incident report.

h. DEPARTMENT BULLETINS/DEPARTMENT NOTICES/DIRECTIVES. EPO procedures continually change. It is important to check the most current Department Bulletin, Department Notice or directive for current procedures.

i. COMPETING ORDERS. Criminal Court protective orders take precedence over any outstanding court order against the defendant. If more than one court order was issued against a party and no statute mandates priority, the most recent order should be enforced

**S. ARRESTING SUSPECTS ON PROBATION, MANDATORY SUPERVISION, POST-RELEASE COMMUNITY SUPERVISION, OR STATE PAROLE.**

Members are required to notify all proper authorities of probation/parole violations pursuant to Department policy.

**T. MEMBER-INVOLVED DOMESTIC VIOLENCE**

Members responding to a domestic violence incident involving an SFPD member are reminded to follow the procedures of Department General Order 6.20, *Member-Involved Domestic Violence*, including notifying the field supervisor and Department Operations Center immediately.

**U. TRAINING**

All Department members shall receive training to improve the recognition, prevention, and investigation of domestic violence, including education about available family resources and advocacy organizations. Training shall be offered regularly using a variety of training methods, including in-service, roll call, bulletins, and field training. The San Francisco Regional Training Facility (Academy) shall be responsible for managing the scheduling, content, and delivery of this regular training. The curriculum shall be developed in cooperation with POST- certified subject matter experts.

References

DGO 1.03, Duties of Patrol Officers  
DGO 1.04, Duties of Sergeants  
DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons  
DGO 5.22, Interacting with Transgender, Gender-Variant, and Nonbinary Individuals  
DGO 5.23, Deaf and Hard of Hearing  
DGO 6.02, Physical Evidence and Crime Scenes  
DGO 6.15, Property Processing  
DGO 6.20, Member-Involved Domestic Violence  
DGO 7.04, Children of Arrested Parents  
DGO 10.11, Body Worn Cameras  
DN 119-238, Gun Violence Restraining Order  
Penal Code Section 136 et. seq.  
Penal Code Section 166 et seq.  
Penal Code Section 243(e)(1)  
Penal Code Section 273.5  
Penal Code Section 273.6  
Penal Code Section 836 et. seq.  
Penal Code Section 853 et. seq.  
Penal Code Section 16120  
Penal Code Section 18250  
Penal Code Section 13700(a)  
Family Code Section 6300 et. Seq.  
Government Code Section 6254  
Special Victims Unit Follow Up & Referral Card (SFPD 142)  
Domestic Violence & Intimate Partner Stalking Manual



**XX/XX/20XX  
SAN FRANCISCO POLICE**

**DEPARTMENT**

***DOMESTIC VIOLENCE  
&  
INTIMATE PARTNER STALKING***

***MANUAL***

***FOR PATROL MEMBERS***

***2021***

## FOREWARD:

Domestic violence and stalking are serious community problems which affect individuals of all races, religions, sexual orientations, gender identities, and socio-economic backgrounds. They impact people of all ages, including seniors and juveniles. Victims of domestic violence and stalking will be treated with dignity and respect and will be given all available assistance by law enforcement personnel responding to an incident of domestic violence.

The San Francisco Police Department is committed to breaking the cycle of family violence by providing a consistent, professional, and effective response to domestic violence incidents. The purpose of this manual is to assist patrol members in their investigation and documentation of domestic violence and stalking incidents.

When 1<sup>st</sup> responders answer a domestic violence call for service, they know this is one of the most volatile and dangerous situations for police members, contributing to about 14 percent of member deaths every year, according to the FBI. Domestic violence calls are also one of the most common calls that police members respond to. Knowing how dangerous and common these situations are, police members must be trained to take enhanced precautions so they understand that anyone present at such a scene can pose a risk.

This manual outlines the crucial role patrol members play when they are first responders to a domestic violence call for service. It sets forth the investigative steps patrol members should take to interview the parties, preserve evidence, and document the incident. It explains that effective communication through a bilingual member or certified interpreter is essential when the victim, witness or suspect's primary language is other than English. It provides an overview of the numerous crimes associated with domestic violence and the steps to obtain and enforce restraining orders. It discusses dominant aggressor factors and offensive and defensive wounds. It also includes a checklist for domestic violence investigations and relevant department bulletins and department general orders.

All Law Enforcement Agencies must have written policies and standards for member's response to domestic violence (PC 13701).

## ACKNOWLEDGEMENT

**This Manual was developed in partnership between the San Francisco Police Department Special Victim's Unit and several Working Groups comprised of community-based organizations and city departments that met throughout 2016-2020.**

Working groups, city departments and community-based organizations that contributed to this manual include: Language Access Working Group, Justice & Courage Committee of the Family Violence Council, the Deaf & Hard of Hearing Working Group, Department of Police Accountability, Department on the Status of Women, San Francisco District Attorney's Office, San Francisco Department of Emergency Management, San Francisco Adult Probation Department, the Domestic Violence Consortium, WOMAN Inc., San Francisco Women Against Rape (SFWAR), Asian Pacific Institute on Gender-Based Violence, Mujeres Unidas y Activas (MUA), Community United Against Violence (CUAV), La Casa de las Madres, Safe and Sound, Bay Area Legal Aid, and Cooperative Restraining Order Clinic.

Special thanks to the following individuals: Beverly Upton, Liz Tarchi, Samara Marion, Minouche Kandel, Elise Hansell, Adaeze Eze, Emberly Cross, Fawn Jade Korr, Deputy Chief David Lazar, Commander Raj Vaswani, Captain Una Bailey, Captain Troy Dangerfield, Captain Sergio Chin, Lieutenant Wilfred Williams, Inspector Tony Flores, and Inspector John Keane.

## Contents

<b>A. PATROL MEMBERS' CRUCIAL ROLE AS FIRST RESPONDERS</b>	4
<b>B. DEFINITIONS</b>	5
<b>C. INVESTIGATION OF DOMESTIC VIOLENCE CASES</b>	9
1. Before Arriving on Scene	9
2. Prior To Entering	9
3. Securing the Scene	9
4. Overview of Preliminary Investigative Duties Once Scene Is Secure	10
5. Photographing the Crime Scene and Individuals	11
6. Collecting Evidence	11
7. Effective Communication	12
8. Determining Dominant Aggressor	13
9. Additional Factors to Assist in Determining the Dominant Aggressor	14
10. Offensive Injuries and Defensive Injuries	14
11. Victim	15
<b>Lethality Assessment:</b>	18
12. Victim Resources, Court Order, Follow-up Information (By State Law)	19
13. Presence of Children	21
14. Presence of Animals (refer to DGO 6.09)	22
15. Suspect Interview:	22
16. Preliminary Notifications	23
17. Felony and Misdemeanor Arrests (refer to DGO 6.09)	23
18. Self Defense	23
19. Mutual Aggressors	24
20. Summary of Action	24
21. Cite and Release	24
22. Emergency Protective Orders	24
23. Documenting the Incident	25
24. Arresting Suspects on Probation, Mandatory Supervision, Post Release Community Supervision or State Parole	27
25. Stalking	27
26. Member-Involved Domestic Violence	29
27. More on Protective Orders	29
<b>E. TELEPHONE NUMBERS AND CONTACT RESOURCES INFORMATION</b>	36
<b>F. APPENDIX</b>	40

## A. PATROL MEMBERS' CRUCIAL ROLE AS FIRST RESPONDERS

Patrol members play a crucial role as first responders to domestic violence incidents.

Patrol members' ability to establish rapport with the parties, conduct thorough interviews at the scene, document the details of the incident and any prior history, and provide victims information about domestic violence services will significantly impact the outcome of the case. Patrol Members' key responsibilities include:

- ▶ Providing immediate safety to the victim and children.
- ▶ Addressing any medical needs of the victim and children.
- ▶ Ensuring effective communication with all parties.
  - ☐ Interview Limited English Proficient (LEP) individuals through a qualified bilingual member and, if none is available, use Language Line Interpreter.
  - ☐ For a Deaf or hard of hearing individual who uses Sign Language for communication, obtain a qualified Sign Language interpreter. If none is available, or the individual does not use Sign Language, use other appropriate means to communicate, such as written communication (i.e., pen and paper), TTY, Video Remote Interpreting devices (computer or tablet), or videophones; if none is available, use other appropriate communication means.
  - ☐ Unless exigent circumstances exist, members should NOT rely on family members, children, bystanders, or witnesses to provide language services.
- ▶ Conducting a thorough investigation, detailed documentation, and ensure evidence collection for successful prosecution.
- ▶ Providing victims with safety information and referrals for domestic violence services.

## ***B. DEFINITIONS***

1. **Abuse:** Means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another. (*Penal Code Section 13700(a)*)

NOTE: *Penal Code Section 16120* defines abuse as:

- intentionally or recklessly cause or attempt to cause bodily injury.
- sexual assault.
- to place a person in reasonable apprehension of imminent serious bodily injury to that person or another.
- to molest, attack, strike, stalk, destroy personal property, or violate the terms of a domestic violence protective order issued under the Domestic Violence Prevention Act. (*Commencing with Family Code Section 6300 et seq.*)

2. **Bisexual:** A term identifying a person who is attracted to men and women emotionally, physically, spiritually and/or sexually.

3. **Cohabitants:** Means two unrelated adults living together for a substantial period of time, resulting in some permanency of relationship (*Penal Code Section 13700(b)*). In the context of domestic violence, parties who are simply co-tenants, not involved in intimate relationships, are not considered cohabitants.

Factors that may be considered when determining whether individuals are cohabitating include, but are not limited to:

- sexual relations between the parties while sharing the same living quarters.
- sharing income or expenses.
- joint use or ownership of property.
- whether the parties hold themselves out as spouses.
- the continuity of the relationship.
- the length of the relationship.

4. **Criminal Protective Order (commonly referred to as a Stay Away Order):** A restraining order issued in a criminal or juvenile delinquency case (a Juvenile Probation order can be in effect until the offender's 21<sup>st</sup> birthday). A Criminal Protective Order can order the defendant not to contact a victim or witness and to stay away from the victim or witness and specified locations.

Criminal Protective Orders may be issued:

- during the pendency of a criminal case under Penal Code §136.2(a) upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur.
- as a term of probation for a domestic violence crime under Penal C §1203.097.
- as a post-conviction order after conviction of specified crimes (Pen C §§136.2(i), 186.22, 261, 261.5, 262, 273.5(j), 290(c), 368(l), 646.9(k), 1201.3) or for other crimes involving domestic violence as defined in Penal Code §13700 or Family Code §6211.

A post-conviction Criminal Protective Order/Stay Away Order may be issued for up to 10 years, regardless of whether the defendant is sentenced to prison or jail, or is placed on probation for any domestic violence-related offense (PC 136.2).

5. **Cross-Reporting:** Refers to mandated reporting of suspected child abuse as required under PC 11165, 11166, and 11172(a) and mandated reporting of suspected abuse of elders and dependent adults as required under W&I

15610, 15630, and 15640, i.e. if a child present at the scene of DV *and other factors are identified pursuant to SFPD Department Bulletin 17-039*, CPS/FCS shall be notified. If the DV case involves an elder or dependent adult, APS shall be notified.

**6. Dating Relationships:** Frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations

**7. Domestic Violence:** Means abuse committed against an adult or a minor (*Penal Code Section 13700(b)*). This include(s) one or more of the following **relationships**:

- spouse/former spouse
- cohabitant/former cohabitant
- dating relationship/former dating relationship
- engagement relationship/former engagement relationship
- person with whom the respondent has had a child
- domestic partners
- same sex relationships are included.

**8. Deadly Weapon:** Any weapon, in possession or concealed, carrying of which is prohibited by Section 16430 PC and 18250PC.

**9. Domestic Violence Restraining Order:** A type of restraining order which is issued pursuant to the Domestic Violence Prevention Act (Family Code sections 6200-6389) or the Uniform Parentage Act (Family Code sections 7710 and 7720), or in connection with a dissolution, legal separation or annulment (Family Code sections 2045, 2047, and 2049). Domestic Violence restraining orders issued by a Family Court may be issued for up to five years and are renewable permanently or for five more years. If no expiration date is stated on the face of a Family Court's Domestic Violence restraining order, the effective time period is 3 years. Domestic violence restraining orders issued by other states, territories, or tribal courts shall be enforced in California (18 USC §2265). Domestic violence restraining orders issued by Canadian courts shall be enforced in California (Family Code §§6450-6460).

**10. Dominant Aggressor:** Means the person determined to be the most significant, rather than the first aggressor. In identifying the dominant aggressor, the member shall consider the intent of the law to protect victims of DV from continuing abuse, threats creating fear of physical injury, the history of DV between the persons involved, and whether either person acted in self-defense (13701(b) PC).

**11. Emergency Protective Order (EPO):** A type of restraining order issued by a Judge or Commissioner at any time, whether or not Court is in session. It is intended to function as a temporary restraining order if a person is in immediate and present danger of domestic violence, elder or dependent adult abuse, child abuse, or where a child is in immediate and present danger of being abducted by a parent or relative or where stalking exists. It can also function as an order (when no custody order is in existence) determining temporary care and control of minor children of the above-described endangered person (Family Code section 6250). "Members shall determine if the circumstances surrounding the incident warrant application for an EPO. Members shall not base their decision on whether or not the victim wants an EPO. Members shall complete the most current version of the Application for Emergency Protective Order form, Members may not request an EPO for any reason other than having reasonable cause that immediate and present dangers exist as listed in paragraph 6.09.03.R.3." (Department General Order 6.09).

**12. Firearm:** Any device designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.

13. **Gay:** A man who is predominately or exclusively attracted to men emotionally, physically, spiritually and/or sexually.

14. **Gender:** Gender is the social construct used to classify a person as man, woman, both or neither. Gender encompasses all relational aspects of social identity, psychological identity and human behavior. Gender includes a person's gender identity and gender expression.

15. **Gender Identity:** An individual's sense of being either male, female, both or neither. This may be different from what is traditionally associated with the individual's assigned sex at birth.

16. **Gender Expression:** Gender related traits that may or may not be consistent with those traits typically associated with a person's assigned sex at birth. External manifestations of gender, expressed through one's name, pronouns, clothing, haircut, behavior, voice, or body characteristics.

17. **Gender-Variant:** A person whose gender identity or gender expression does not conform to socially defined male or female gender norms.

18. **Gun Violence Restraining Order:** A gun violence restraining order is a written order, signed by the court, prohibiting and enjoining a person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. Although the statutes are located in the Penal Code, the process to obtain a GVRO is a civil proceeding (Penal Code §18100).

19. **Gun Violence Emergency Protective Order:** A gun violence emergency protective order is an order requested by law enforcement and issued on an EPO-002 form. Issuable when (1) it is necessary because the restrained person poses an immediate danger of causing personal injury to himself or herself or to another by having custody or control, owning, purchasing, possessing, or receiving any firearms, ammunition, or magazines; and (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances.

20. **Intersex:** Intersex individuals are born with chromosomes, external genitalia, and/or a reproductive system that varies from what is considered "standard" for either males or females. This condition may not become apparent until later in life, such as during puberty. Intersex individuals may identify as male, female or nonbinary.

21. **Lesbian:** A woman who is predominately or exclusively attracted to women emotionally, physically, spiritually and/or sexually.

22. **Lethality Assessment:** a tool involving several questions about the severity and frequency of abuse that helps to determine the level of danger a domestic violence victim has of being killed or seriously injured by their intimate partner.

23. **LGB/QT/TGN/I:** An acronym or abbreviation for lesbian, gay, bisexual, transgender, questioning and/or queer, gender-variant, nonbinary or intersex. The "Q" is sometimes identified as "Questioning" and other times as "Queer." Some acronym variations include two "Q's" because "Questioning" and "Queer" are not interchangeable. This acronym incorporates DGO 5.22's gender-variant and nonbinary terms.

24. **Nonbinary (Individual):** Nonbinary is an umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male. People with nonbinary gender identities may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, two-spirit, bigender, pangender, gender nonconforming, or gender variant.

25. **Member:** Defined as any law enforcement member as defined by Penal Code Sections 830.1-830.32.

26. **Peaceful Contact Order (commonly known at a No Harassment Order):** Court order which includes only the personal conduct portions of a restraining order, ordering that the restrained party shall not harass,

strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons.

**27. Pro-Arrest Policy:** Refers to a philosophical position in which physical arrest shall be made in every situation where an arrest is legally permissible, absent exigent circumstances.

**28. Queer:** An umbrella term used by some to describe people who think of their sexual orientation or gender identity as outside of societal norms. Some people view the term queer as more fluid and inclusive than traditional categories for sexual orientation and gender identity. Due to its history as a derogatory term, the term queer is not embraced or used by all members of the LGB/QTGN/I community.

**29. Questioning:** The “Q” of the acronym LGB/QTGN/I refers to “questioning” which is defined as individuals who are exploring or questioning their sexual feelings, orientation, and/or sexual identity, and who may be experiencing lesbian, gay, bisexual, or transgender feelings or urges.

**30. Restraining Order:** An order which requires a person to refrain from doing a particular act or acts. It is issued by the Court, with or without notice, to the person who is to be restrained. A restraining order will remain in effect for a set period of time, which is stated on the face of the order.

Restraining orders may be issued by the criminal court (see #4 Criminal Protective Order above), the juvenile dependency or delinquency courts, or by the civil court.

**31. Sexual Orientation:** A person's romantic and / or physical attraction to people of a specific gender or genders.

**32. Stalking:** Occurs when any person willfully, maliciously, and repeatedly follows or harasses another person and makes a credible threat with the intent of placing that person in reasonable fear for his or her safety, or that of his or her immediate family (646.9 PC).

**33. Strangulation:** Is a form of asphyxia (lack of oxygen) characterized by closure of the vessels and or air passages of the neck as a result of external pressure on the neck. “CHOKING” is an internal obstruction of the airway by a foreign object.

**34. Temporary Restraining Order:** When a person requests a civil restraining order, the court first decides whether to issue a Temporary Restraining Order which will last a few weeks until a hearing. At the hearing, the court decides whether to issue a longer Restraining Order After Hearing.

**35. Trafficking:** Depriving or violating the personal liberty of another person with intent to effect or maintain a felony violation of PC 266 (seduction of minor for prostitution), PC 266h (pimping), PC 266i (pandering), PC 267 (abduction of minor for prostitution), PC 311.4 (using a minor to create obscene matter), or PC 518 (extortion), or to obtain forced labor or services (PC Section 236.1).

**36. Transgender (individual):** An umbrella term for persons whose gender identity, gender expression, or behavior does not conform to that typically associated with the sex they were assigned at birth.

**37. U-Visa:** Created by the Victims of Trafficking and Violence Prevention Act, enacted in October 2000. It is available to noncitizens who 1) have suffered substantial physical or mental abuse resulting from a wide range of criminal activity, and 2) have been helpful, are being helpful or are likely to be helpful with the investigation or prosecution of the crime. The U-Visa provides eligible immigrants with an authorized stay in the United States and employment authorization.

**38. Victim:** A person against whom a crime has been committed, including domestic violence, stalking and sexual assault.

### ***C. INVESTIGATION OF DOMESTIC VIOLENCE CASES***

Members arriving at a domestic violence scene should conduct a thorough investigation and complete a report for all incidents of violence and all crimes related to domestic violence. Members should be reminded that domestic dispute calls are considered the most dangerous type of call for responding members.

Members should take the following steps when investigating a domestic violence or stalking incident. Please note that a short two-page Reference Guide is available to members to assist in guiding the investigation of domestic violence incidents, incorporating many of the provisions in the DGO and Manual.

#### **1. Before Arriving on Scene**

- ▶ Proceed safely and expeditiously
- ▶ Confirm the address
- ▶ Activate Body Worn Camera
- ▶ Direct dispatch to provide information about:
  - ☐ All prior domestic violence calls
  - ☐ Any restraining orders including Emergency Protective Orders (EPO), Criminal Protective Order (CPO), or civil restraining order.
  - ☐ Criminal history and/or probation/parole status if the suspect's identity known
  - ☐ Whether weapons are involved or known to be at that location
  - ☐ Known mental health flags
  - ☐ Need for medical assistance if requested
  - ☐ Presence of child/children
  - ☐ Need for language assistance and, if so, direct dispatch to have a bilingual member respond. **A dispatcher's use of an interpreter or a caller's request for a bilingual member indicates the need for language assistance; refer to current Department Bulletin on *Providing Language Access Services for Limited English Proficient (LEP) Individuals*.**

#### **2. Prior To Entering**

- ▶ Make a tactical and undetected approach to the scene
- ▶ Observe the surroundings
- ▶ LISTEN at the door
- ▶ Attempt to determine how many people are involved
- ▶ Try to determine the nature of the dispute
- ▶ Try to determine the level of aggression
- ▶ Request back-up if necessary
- ▶ Stand to the side of the door
- ▶ Use a bladed stance
- ▶ Keep primary hand free
- ▶ Prepare for any unexpected movements
- ▶ Knock
- ▶ Identify yourself as a police member

#### **3. Securing the Scene**

- ▶ Scan for weapons
- ▶ Take control of the scene
- ▶ Take control of any weapons in plain view

- ▶ Locate the involved parties
- ▶ Determine if anyone else is present
- ▶ Check on the well-being of children if present during the incident.
- ▶ Provide aid and assess medical needs.
  - ☐ Call for an ambulance for treatment when necessary.
  - ☐ Determine if the suspect strangled or attempted to strangle the victim. Look for obvious signs of petechiae and ask about changes in voice. Immediately call for an ambulance if the victim has been or appears to have been strangled.
  - ☐ Victims hesitant to receive medical treatment should be informed that medical costs may be covered through the California Victim Compensation Program.
  - ☐ Secure crime scene.

#### Establishing Control:

- ▶ Separate all parties (Victim/suspect/witness should not be able to see or hear each other).
- ▶ After securing the scene as necessary for member safety, allow victims and witnesses to talk without stopping or interrupting them to ask questions. Those early statements are often the only evidence that is admissible at trial on a DV case. Don't interrupt the victim or witness or cut them off while they are talking about what happened, not even to ask clarifying questions. If you need to ask clarifying questions, wait until they are done talking. Ensure BWC captures all statements to the extent possible, video and audio.
- ▶ Watch all parties.
- ▶ Prevent eyeshot and earshot (victim/suspect/witness are not able to see or hear statements of each other).

#### Making Contact with the Parties:

- ▶ Separate the parties.
- ▶ Control and remove the suspect from the scene, if necessary.
- ▶ Empathize with the victim and reassure that you are there to help.
- ▶ Note and document the physical and emotional condition of all parties and witnesses.
- ▶ Record all spontaneous statements (BWC).
- ▶ Obtain statements from all witnesses and parties (in compliance with Miranda).

#### Check for Existing Restraining Orders Against Suspect:

- ▶ If the victim has a restraining order against the suspect, obtain a copy of the order and valid proof of service (proof of service is not necessary if the suspect was in court when the order was issued).
- ▶ If no copy is available, contact the Department of Justice Domestic Violence Restraining Order System (DVROS/CLETS) to verify the existence of the order (Family Code Section 6383(d)).
- ▶ If there is no order, inform victim how to get an order.

#### Computer Search at Scene for Restraining Orders:

The verification of a restraining order is by a 10-29 query level II: MONSTER

The verification of stay-away order is by a query into the court management records to verify that the suspect is still under the court's jurisdiction: level II: QCX or/and QCA

The verification of EPO is by a query: level II: MONSTER

#### **4. Overview of Preliminary Investigative Duties Once Scene Is Secure**

- ▶ Separate all parties from each other and other family members and/or witnesses.

- ▶ Locate, identify and interview all potential witnesses, including children who are present.
- ▶ Ensure that the parties being interviewed are out of hearing and visual range of each other.
- ▶ Record all witness, victim, suspect and reportee's statements.
- ▶ Interview the parties simultaneously and separately about what happened and compare accounts, obtain clarification, analyze the facts and evidence for corroboration and inconsistencies.
- ▶ Pay attention to and document all statements that a victim, suspect, witness or child makes while under the stress of the incident. Include your observations of the speaker's tone, demeanor, and location of the speaker. Use direct quotes with quotation marks in your incident report. These are "spontaneous statements" or "excited utterances" and will be allowed in court even though the victim or witness who made these statements does not testify.
- ▶ Confer periodically as a team about each party's statements and then return to interviewing the parties to obtain clarification of facts.
- ▶ Always offer the parties the opportunity to make a written statement.
- ▶ Conduct your investigation with the mindset that your interviews, collection of evidence (torn clothing, destroyed property, photographs, etc.) and documentation will be the sole opportunity for ensuring the successful outcome of the case.
- ▶ The presence of or lack of any injury does not in itself determine the dominant aggressor. A thorough investigation is required.
- ▶ Determine if house security camera exists and see if footage can be downloaded or extracted. Ask if surveillance footage is on a network server.

## **5. Photographing the Crime Scene and Individuals**

- ▶ Photograph all parties at the scene including the victim and suspect, (head to toe and front and back). These photographs are an important investigative tool that may be relied upon during interviews, subpoena service, and trial.
- ▶ Photograph all injuries, including injuries hidden by clothing, self-defense injuries and regardless of severity.
- ▶ When photographing injuries, take care to preserve the victim's privacy. If injuries are of private areas of the body, photographs shall be taken by a member of the same gender.
- ▶ In strangulation cases, take numerous photographs of victim's face and neck, (regardless of visible injury).
- ▶ Photograph crime scene and location of any evidence prior to moving the evidence unless exigent circumstances exist. If moved, document the exigent circumstance for moving evidence (refer to DGO 6.02).
- ▶ Photograph children at the scene to document their presence.
- ▶ Review all photos before leaving scene and ensure full facial photos of both parties have been taken along with close-ups of any visible or reported injuries.
- ▶ Inform victim of the need to obtain follow-up photographs of injuries.
- ▶ Photograph and book any weapons or objects used as weapons.  
Obtain any photos/videos taken by victim/witness/suspect of past domestic violence incidents.

## **6. Collecting Evidence**

### **Documentation:**

- ▶ Note, describe fully, and photograph all injuries.
- ▶ Look for and describe all injuries and complaint of pain areas.
- ▶ Injuries to or blood on suspect's hands, knuckles and under nails.

- ▶ Collect evidence under fingernails of either party for DNA testing.

#### Evidence to be Collected:

- ▶ Take photos of any physical injuries and the scene itself
- ▶ Crime scene location - draw maps, diagrams, etc.
- ▶ Blood samples
- ▶ Torn clothing
- ▶ Hair and fibers
- ▶ Firearms and other weapons (PC 18250)
- ▶ Overturned and damaged items
- ▶ **Do not leave evidence with the victim**

#### Electronic Evidence (refer to DGO 6.09); Identify if any electronic evidence exists:

- ▶ within an electronic device (photos, voice messages, or texts in a cell phone, documents in a laptop, video recording from the home surveillance system) or
- ▶ from electronic communications from a service provider (e.g., Facebook page, suspect's email account).

#### Electronic Device - If electronic evidence is within an electronic device (PC 1546(f)):

- ▶ **Consent** - Seek specific consent from the authorized possessor that SFPD and SFDA can seize/examine the device. (PC 1546.1(c)(3));
- ▶ **Non-consent** - If consent is not possible, e.g. electronic device belongs to nonconsenting suspect, then ensure that you have specific articulable facts supporting PC to seize the device, e.g., basis for believing it contains evidence of the crime and an exception to the warrant requirement to justify seizure, e.g. search incident to arrest, exigency (evidence exists that the contents to the device can be destroyed/deleted.), vehicle search, etc. Follow up with a Penal Code §1546 compliant search warrant to search/examine the device.
- ▶ If evidence exists on a cell phone, laptop or other electronic device that is being taken into custody, ensure that WI-FI and blue tooth on the device are turned off so that evidence cannot be destroyed remotely.

#### Electronic Communications:

- ▶ Ask victim or witnesses if there are any electronic communications sent to them that is evidence of the crime, e.g., victim is the intended recipient, then determine if the party will voluntarily provide electronic communications to SFDA and SFPD. Take steps to preserve that information (print screen, download, archive from social media site, take photos of the screen with Department-issued cell phone).
- ▶ Photograph, book as evidence or scan as appropriate and attach to the incident report electronic communications such as threats made through e-mail, letters, voicemails, text messages, etc.
- ▶ Secure any video from in-home security systems.

### **7. Effective Communication**

#### Limited English Proficient (LEP) Victims, Suspects, and Witnesses

See DGO 5.20

- ▶ **DO NOT** use children, other family members, bystanders or other uncertified interpreters unless exigent circumstances exist as required by Department General Order 5.20 Language Access Services for Limited English Proficient (LEP) Persons. Once the exigency is over, re-interview all parties using a certified bilingual member or language line interpreter.
- ▶ For further guidance on working with LEP individuals, refer to the latest department policy and procedure documents.

#### Deaf and Hard of Hearing Victims, Suspects, and Witnesses

##### **See DGO 5.23**

- ▶ **DO NOT** use children, other family members, bystanders or other uncertified Sign Language interpreters unless exigent circumstances exist as required by Department General Order 5.23 Deaf and Hard of hearing. Once the exigency is over, re-interview all parties using a qualified Sign Language interpreter.
- ▶ For further guidance on working with DHH individuals, refer to the latest department policy and procedure documents.

#### Transgender, Gender-Variant and Nonbinary Individuals (TGN)

##### **See DGO 5.22**

- ▶ Members shall address TGN individuals by their preferred name and by pronouns appropriate to their gender identity such as he, she or they. The perception of disrespect, usually arising from use of names and pronouns that do not correspond with a TGN individual's gender identity, is the leading cause of complaints against law enforcement by TGN individuals.
- ▶ For further guidance on working with TGN individuals, refer to the latest department policy and procedure documents.

### **8. Determining Dominant Aggressor**

The Dominant Aggressor is the most significant aggressor rather than the first person to strike. When identifying the dominant aggressor, members shall consider:

- ▶ the law's intent is to protect domestic violence victims from continued abuse
  - ▶ threats that create the fear of physical injury or abuse
  - ▶ the history of reported and unreported domestic violence
  - ▶ whether the person acted in self-defense
  - ▶ whether one party is in actual fear of the other
  - ▶ whether there is a history of violence or pattern of control by one party against the other
  - ▶ whether the injuries are consistent with the statements made
  - ▶ evaluate whether the injuries appear consistent with self-defense
  - ▶ determine which party will be in greater danger if nothing is done
  - ▶ the presence of or lack of any injury, does not in itself determine the dominant aggressor. A thorough investigation is required.
- ☐ Members shall make a dominant aggressor determination after speaking to both parties separately and analyzing their statements and the evidence.
  - ☐ If dominant aggressor is an issue and a determination is made, members shall document the investigative steps taken to identify which party was the dominant aggressor (Department General Order 6.09).
  - ☐ Dual arrest should be discouraged when appropriate but not prohibited per Penal Code 13701(b) PC.

## **9. Additional Factors to Assist in Determining the Dominant Aggressor**

- ▶ Age, weight, and height of the parties (Remember size differential is not determinative; the larger of the two parties is not necessarily the dominant aggressor)
- ▶ Criminal history
- ▶ Domestic violence history including convictions and probation/parole
- ▶ Special skills (martial arts, boxing)
- ▶ Use of weapons
- ▶ Offensive and defensive injuries
- ▶ Seriousness of injuries
- ▶ Use of alcohol and drugs
- ▶ Is there a restraining order in effect?
- ▶ Who called 911?
- ▶ Who is in fear?
- ▶ Use of power and control in the relationship
- ▶ Detail of the statements
- ▶ The demeanor of the parties
- ▶ The existence of corroborating evidence
- ▶ Remember the following when trying to determine which party was the dominant aggressor:
  - ☐ Interview everyone involved
  - ☐ Interview other witnesses
  - ☐ Examine the scene for evidence
  - ☐ Was one party in actual fear of the other?
  - ☐ Did one party escalate the level of violence, i.e., did one party react to a slap by beating the other party?
  - ☐ Who poses the greatest danger to the other? (Involvement in other criminal activity gang member, prior arrest for violence, etc.)
  - ☐ Was one party physically larger and stronger than the other?
  - ☐ Is there a history of domestic violence? Who was the aggressor in the past?
  - ☐ Who has access to and control of resources?
  - ☐ Who has the injuries that do not appear to be consistent with statements made?
  - ☐ Did anyone act in self-defense?
  - ☐ Are there defensive injuries on either party?
  - ☐ Does either party have a motive to lie? (Pending family court case, divorce, child custody, etc.)
  - ☐ Do statements and corroborating evidence support either party?
- ▶ No single factor will identify the dominant aggressor in every case. Thorough investigation will usually lead to accurate identification.
- ▶ When Dominant Aggressor insists that member make a Citizen Arrest, evaluate to decide the most appropriate action.
  - ☐ Document what you did in the incident report.
  - ☐ May be appropriate for cite and release.

## **10. Offensive Injuries and Defensive Injuries**

### **Offensive and Defensive Injuries:**

- ▶ Check for concealed injuries
- ▶ Where do parties “hurt” even if there is not visible injury?
- ▶ Head, neck, face, chests, breasts, and abdomen most commonly injured; also check

scalp and behind ears.

Offensive Injuries:

- ▶ On aggressors
- ▶ Injured by victims trying to protect themselves:
  - ☐ Scratch marks on the aggressor's back, face, and chest
  - ☐ Bite marks on the aggressor's face, chest, and arms
  - ☐ Scratch marks on the aggressor's hands and arms especially when manually strangling the victim
  - ☐ Injuries to the groin, shins, and tops of feet

Defensive Injuries:

- ▶ Injury sustained to those parts of the body which were used to ward off blows or to protect body parts
- ▶ Found on victim attempting to defend themselves:
  - ☐ Injuries on inner forearms
  - ☐ Injuries on the backs of hands and arms
  - ☐ Injuries to the back, legs, buttocks, and top and back of the head from curling into the fetal position
  - ☐ Injuries to bottoms of feet from kicking at the assailant

**11. Victim**

Strangulation suspect characteristics:

- ▶ 99% were men
- ▶ Mid-20s
- ▶ Work with their hands
- ▶ 90% of the cases have a DV history

At the scene:

- ▶ 84% of the time, there are no visible injuries or injuries so minor they are not documentable.

Strangulation Signs and Symptoms (Sign and Symptoms of Strangulation illustration attachment):

- |   |   |
|---|---|
| <input type="checkbox"/> Neck pain                      | <input type="checkbox"/> Vision changes (spots, tunnel vision<br>flashing lights) |
| <input type="checkbox"/> Scalp pain (from hair pulling) | <input type="checkbox"/> Loss or lapse of memory                                  |
| <input type="checkbox"/> Sore throat                    | <input type="checkbox"/> Light headed or head rush                                |
| <input type="checkbox"/> Scratch marks                  | <input type="checkbox"/> Faint or unconsciousness                                 |
| <input type="checkbox"/> Raspy voice                    | <input type="checkbox"/> Loss of bodily functions                                 |
| <input type="checkbox"/> Difficulty swallowing          | <input type="checkbox"/> Red eyes   |

- ☐ Tiny red spots, red linear marks or bruising.  
(Be aware that victim's skin tone that may not show signs of strangulation externally).

- ☐ Rope or cord burns
- ☐ Neck swelling
- ☐ Miscarriage

#### Medical Consequences:

- ▶ Unconscious within seconds; as little as 11 lbs. of pressure for 10 seconds (trigger pull on revolver averages 8 - 10 lbs.)
- ▶ Death can occur within minutes or days
- ▶ Many agencies mandate medical attention when "carotid restraint" is used
- ▶ What treatment does your victim need?

#### Strangulation questions:

- ▶ Ask the victim to describe how they were strangled (one or two hands, forearm, object, etc.)
- ▶ What did the suspect say before, during and after the victim was strangled?
- ▶ Was the victim thrown or held against the wall, floor or ground?
- ▶ How long did the suspect strangle the victim?
- ▶ How many times was the victim strangled?
- ▶ How much pressure was used? Describe it on a scale of 1-10 and was it continuous?
- ▶ What was the victim thinking when they were being strangled?
- ▶ What caused the suspect to stop?
- ▶ Any difficulty breathing during the assault or now?
- ▶ Describe any voice change.
- ▶ Any complaint of pain to the throat?
- ▶ Any trouble swallowing?
- ▶ How did the victim feel during the assault? (dizzy, nauseous, loss of consciousness)
- ▶ How does the victim feel now?
- ▶ Did the victim experience any visual changes during the strangling?
- ▶ Did the victim vomit, urinate or defecate as a result of being strangled?
- ▶ Did the victim do anything to try and stop the assault? Will the suspect have injuries?
- ▶ Are there prior incidents of strangulation?
- ▶ Any visible injury? Photograph injuries and the entire area. Photograph the lack of injury and any areas the victim feels pain.
- ▶ Any object used?

#### Victim Interview

- ▶ If possible, obtain the victim's statement regardless of the presence of a body-worn camera with an audio recorder (Department issue cellphone or recording device).
- ▶ Obtain a chronology of the incident, including what precipitated the incident, the details of the incident, the details of any injuries and how the injuries were inflicted.
- ▶ Trauma can cause one's memory to be fragmented and disorganized, and victims may recall very specific details of one aspect and little or none of another; victims may sometimes provide an account with a lot of emotion and other times without any emotion; victims may also unconsciously avoid parts of an experience which are especially triggering. (National Sheriffs' Association, "Training and Technical Assistance to Law Enforcement on Response and Investigation of Domestic Violence, Dating Violence, and Stalking," page 38 (2015).

- ▶ If the victim alleges self-defense (e.g., the victim scratched or bit the offender), ask the victim to describe the actions the victim took and why.
- ▶ Obtain the history of the relationship including the frequency of any violence, intimidation, and threats.
- ▶ Obtain detailed information about all prior documented or undocumented past incidents.
- ▶ Obtain detailed information about past injuries in which the victim was medically examined/treated and the facility (optometrist, hospital, dentist, etc.) where the victim was treated. Include the victim used when treated.
- ▶ Ask if the victim has been forced to have sex or been sexually assaulted including marital rape. Ask if the incident(s) were ever reported to medical staff and if the report was made under the victim's name or another name.
- ▶ If gender-specific issues exist, be mindful if the victim feels uncomfortable talking to the opposite-sex member.
- ▶ Ask if there have been any violations of existing or past protective orders or repeated unwanted contacts.
- ▶ Ask if any weapons/objects were involved and if there are any weapons in the residence or available to the suspect.
- ▶ When asking about injuries, be aware that a victim may be reticent to talk about or expose private parts of one's body. Reassure the victim that arrangements can be made for a member of the victim's same gender to take photographs of the victim's injuries.
- ▶ Pay attention to the victim's demeanor, tone, and appearance, and document your observations in the incident report.
- ▶ Determine if the suspect took away or damaged the victim's phone or removed incriminating photos or other evidence on the victim's or suspect's phone.
- ▶ Offer confidentiality to the victim consistent with Penal Code section 293 (Victim of Sexual Offense and Human Trafficking) and Marsy Bill of Rights (Penal Code section 679.02 regarding maintaining confidentiality of victim's name and address in incident report).
- ▶ Provide information about referrals and shelter to the victim.
- ▶ Members may encourage victims to seek shelter services and receive authorization to transport.
- ▶ Victim Protection:
  - ☐ One of the most critical times for a victim is immediately after an arrest.
  - ☐ Victim may be fearful the suspect will return and cause more harm.
  - ☐ There are resources to help protect the victim and assist them in regaining control of their lives.

Lesbian, Gay, Bisexual, Queer, Questioning, Transgender, Gender-Variant, Nonbinary and Intersex (LGB/QQ/TGN/I)

- ▶ Research indicates that the prevalence of domestic violence in LGB/QQ/TGN/I relationships is comparable to that in heterosexual relationships (25-33%). The dangerousness presented by LGB/QQ/TGN/I abusers is also comparable to heterosexual relationships.
- ▶ Use of coercive control in LGB/QQ/TGN/I relationships is comparable to heterosexual relationships where physical and sexual assaults may be accompanied by a combination of tactics to intimidate, humiliate, degrade, exploit, isolate, and control a partner.

Challenges that LGB/QQ/TGN/I victims/survivors may face include:

- ▶ Fear that abuse will not be taken seriously because it is occurring within a LGB/QQ/TGN/I relationship.
- ▶ Fear of being re-victimized by law enforcement, social service workers, and criminal justice system because of one's sexual orientation or gender identity.

- ▶ Fear of being “outed” to family, employer, employees and friends.
- ▶ Fear that the abuser will convince law enforcement and others that the abuser is the victim.

#### Myth of Mutual Abuse:

- ▶ Similar to heterosexual abuser, a LGB/QT/TGN/I abuser may claim the domestic violence is “mutual.”
- ▶ Evaluate whether each of the parties has exhibited a pattern behavior to gain or maintain power and control.
- ▶ Ask questions about the context, intent and effect of the abuse.

#### Lethality Assessment:

The Lethality Assessment should be administered to all victims of domestic violence to assess the level of danger and/or the severity of the situation. Law enforcement personnel should use their judgement to interpret the information which the victim provides. More “yes” answers to the Lethality Assessment questions indicate that the victim is more likely to experience continued violence, be severely injured, and/or killed.

It is important to use the results of this assessment in a constructive way to help the victim plan for her/his safety and to make referrals to resources matching the specific circumstances of the victim’s situation.

- ▶ Upon arrival at all incidents of domestic violence, once the scene is secured and their investigation is complete, patrol officers will complete the “Domestic Violence Lethality Screen for San Francisco Police Department.”
- ▶ Officers shall ask all questions as indicated on the Domestic Violence Lethality Screen form and based upon responses will determine the next step in the assessment.
- ▶ When the “referral protocol” is triggered the officer shall:
  - ☐ Advise the victim that they may be at a higher risk of danger and let them know that the officer will be contacting a confidential domestic violence advocate who can counsel the victim on safety planning and other advocacy. The officer will advise the victim that they are not required to speak with the advocate. The officer shall always contact the advocate when the officer makes the determination that the victim may be at higher risk for lethality. However, if the victim decides they do not wish to speak with the advocate, the officer shall never pressure or insist that the victim speak to the advocate.
  - ☐ The officer shall turn off the body worn camera (BWC) to ensure the confidentiality of the conversation between the victims and the domestic violence advocate. The officer shall document turning off the BWC as specified in Section III.G of DGO 10.11 and the reason for doing so. In addition the officer shall advise the victim when the BWC is being turned back on after the conversation with the advocate is complete and document the reactivation of the BWC as specified in Section III.G of DGO 10.11.
  - ☐ The officer shall call the confidential domestic violence advocate, numbers listed below. The officer shall use the officer’s Department issued phone to access the advocate hotline

unless the victim prefers to use their own phone. Before allowing a victim to use a Department issued cell phone, the officer should always ensure that any Department related confidential information is safeguarded and will not be compromised. The officer should allow the victim to speak with the advocate privately. The victim is not required to speak with an advocate.

- La Casa de las Madres hotline at 877-503-1850
- Or if unable to contact La Casa de las Madres, call W.O.M.A.N. Inc hotline at 415-864-4722
  
- ☐ When the officer makes contact with the advocate on the phone, the officer will advise the advocate that they have a victim that may be at high risk of danger, and note the numbers of the questions which triggered the referral. The officer will then hand the phone to the victim, allowing the victim to speak directly with Advocate. If the victim does not want to speak to an advocate, the officer shall convey safety tips from the advocate to the victim.
  
- ▶ The Lethality Assessment shall be scanned and electronically attached to the incident report and then booked into evidence.
  
- ▶ The SFPD Special Victims Unit shall ensure that all survivors/victims are referred to the Victim's Service Unit of the San Francisco District Attorney's Office by forwarding a completed referral to them including the incident report.

Steps to Take After Victim Interview Concludes:

- ▶ Members SHALL provide the victim with report number (Reportee Form No. 105), SVU referral card, Marsy's Rights card, and Victim of Violent Crime Form and follow up information (in appropriate language).
- ▶ Identify report as involving Domestic Violence.
- ▶ Obtain an Emergency Protective Order as explained in Section 23 below.

**12. Victim Resources, Court Order, Follow-up Information (By State Law)**

- ▶ Temporary Restraining Order
  - ☐ Obtained by victim from civil court
  - ☐ Valid for up to 21 days (up to 25 days with good cause), until hearing date
- ▶ Restraining Order After Hearing
  - ☐ Domestic Violence restraining orders valid for up to 5 years
  - ☐ Other civil restraining orders valid for up to 1-5 years, depending on the type of order
- ▶ Shelter Information and Advocacy Services
  - ☐ Member provides information
- ▶ Criminal Protective Order (commonly referred to as a Stay Away Order)
  - ☐ Obtained by the prosecutor, valid while the court has jurisdiction
- ▶ In all **felony domestic** violence cases, members shall refer the victim to the Special Victims Unit (SVU) for follow-up investigation, regardless of whether an arrest has been made. For all

**misdemeanor arrest** cases, members shall refer the victim to the District Attorney's Office for follow-up investigation.

Remember:

- ▶ If the victim chooses to leave the premises because he/she is fearful the suspect may return, members **shall** obtain a phone number and address where the victim can be contacted unless the victim is staying at a shelter. Members **shall not** include this information in the incident report but rather forward the information to the SVU prior to the end of watch.
- ▶ It is a crime to disclose the location of a domestic violence or trafficking victim shelter.
- ▶ If victim feels in danger or fearful, the member may want to suggest a safety/escape plan.
- ▶ San Francisco Shelter and 24-Hour Hotline Information. (See appendix E)
- ▶ Support Services for the Victim - Medical Attention
  - ☐ Victims may not realize the extent of injuries or may complain of injuries that are not visible.
  - ☐ Request appropriate medical attention.
  - ☐ Identify paramedics by name, unit number and contact information.
  - ☐ Always call for medical assistance if the victim has been strangled.
  - ☐ Document information about injuries - location, size, appearance - and photograph.
- ▶ Follow Up Information
  - ☐ Member **SHALL** provide the victim with report number (Reportee Form 105), SVU referral card, Marsy's Rights card and Victim of Violent Crime Form.
  - ☐ Advise on availability of protective orders and victim-witness services.
  - ☐ Refer to a shelter for emergency housing.
  - ☐ Offer and provide safe passage out of the residence and civil standby to remove personal property.
- ▶ Confidentiality
  - ☐ **Must** offer NAME AND ADDRESS **confidentiality** to victims of sexual assault, child endangerment and corporal injury to a child, stalking, and domestic violence (PC 273.5).
  - ☐ Mark Police Report form under Reporting Party box (PC 293 notification).
- ▶ Transportation and Civil Standby

Members may need to offer victim and children transportation to a safe location or medical facility. Considerations:

- ☐ Victim's concern for safety
- ☐ Victim's need for medical attention
- ☐ Member's determination that the victim has no other source of transportation
- ☐ The victim may need Members to do a civil standby while the victim removes personal property (not furniture) or needs assistance leaving safely.

▶ Notice of Release

- ☐ **Victims should be told that a suspect can be released at any time after arrest.**
- ☐ Suspect convicted of felony domestic violence offense; 15-day notice to the victim in advance of release date from CA Department of Corrections.
- ☐ The victim must provide a current mailing address and telephone number to DOC or county sheriff, PC 646.92.

### **13. Presence of Children**

When children are present in the home, it is critical to gather information related to their safety and involvement in the incident, and work with the child protection agency if there are safety concerns about the children.

- ▶ Work with a parent or the caregiver of the children to find a safe place for them with a responsible adult while you conduct the investigation. Children may be very concerned about the safety of the victim as well as their own safety.
- ▶ Ask children what they saw, what they heard and what happened. Assess whether the child was present when the incident occurred, and what involvement, if any, they had in the incident.
- ▶ Write a child's statements in quotes.
- ▶ Describe in detail the tone, demeanor, and location of the child when documenting the child's spontaneous statements in the incident report.
- ▶ Document the names, ages, and relationship to the adult parties of each child at the scene, regardless of whether they are witnesses.
- ▶ Document names and ages of all children who reside in the home and who were not present.
- ▶ When arresting a parent, arrest the parent outside the presence of the child, offer reassurances to children that both parent and children will be cared for, and comply with all other requirements of DGO 7.04, "Children of Arrested Parents."

If suspected child abuse or neglect, members must cross-report as required pursuant to PC 11166.

Work with the Family and Children's Services Division of the Human Services Agency (FCS) to complete any necessary cross reports and address safety concerns related to the children:

- ▶ Complete the Children's Danger Checklist, pursuant to Domestic Violence Supplemental Form (see below).
- ▶ If the children are unattended or unsafe and/or the checklist indicates so, contact the FCS Hotline at 415-557-2650.
- ▶ FCS staff respond to the Hotline 24 hours a day, 365 days a year. FCS will work with you to assess the immediate safety of the children, coordinating with you to respond in person in the field as needed.
- ▶ Children can also be interviewed in a multidisciplinary discipline interview (MDI) which could be setup by investigator.

#### **Children's Danger Checklist:**

Notify the FCS Child Abuse Hotline if the investigation indicates that any of the following are present:

- ▶ Any Crime Against the Child.
- ▶ Homicide/Att. Homicide.
- ▶ Serious bodily injury including, but not limited to, bone fracture, loss of consciousness, concussion, protracted loss or impairment of function of any organ, a wound requiring extensive suturing, strangulation, or serious disfigurement.
- ▶ Weapon(s) used or threatened, or firearm(s) in the home.

- ▶ Threats to commit a crime which will result in death or great bodily injury to another person as defined by the California Penal Code.
- ▶ The child had immediate access to drugs or alcohol, and the parent or caregiver will not or cannot take protective action.
- ▶ The child's parent or caregiver was impaired by drugs or alcohol, and the impairment interfered with the parent or caregiver's ability to provide adequate care or supervision for the child.

In circumstances when there is a child under 18 who, because of a parent's injury or arrest or homicide, would be left without an available parent, members shall follow DGO 7.04 to determine a reliable adult caregiver.

#### **14. Presence of Animals (refer to DGO 6.09)**

- ▶ If an animal is injured or killed during the incident, contact Animal Care and Control (ACC) to respond to the scene. Obtain ACC case number and contact number. A necropsy will be conducted on the killed animal to determine the cause of death.
- ▶ Photograph the animal at the scene.
- ▶ Remember that an animal can be added on the EPO, if appropriate (Penal Code 597(a)).

#### **15. Suspect Interview:**

- ▶ Audio record the suspect's statement regardless of the presence of body-worn cameras.
- ▶ Have the suspect confirm the relationship between the suspect and the victim. For suspects arrested and interviewed not at the scene, use photographs when confirming the relationship between the suspect and the victim.
- ▶ Document any spontaneous statements the suspect makes and use direct quotes and quotation marks in the incident report to document the suspect's statement.
- ▶ Describe in detail the suspect's tone, demeanor, and appearance.
- ▶ Record custodial interrogation "Mirandize" and interview the suspect regardless of felony or misdemeanor charges.
- ▶ During custodial interrogation of an LEP suspect, use a certified bilingual member or language line interpreter to provide Miranda and interview. This also applies to persons who are Deaf or Hard of Hearing for which American Sign Language (ASL) is the means of communication.
- ▶ Provide Miranda by always reading from a department-issued Miranda card. If suspect is a juvenile follow
- ▶ Note suspect's statement after Miranda, i.e., yes, no, I want an attorney.
- ▶ If suspect is a juvenile follow current SFPD policy and procedure.
- ▶ Ask about previous DV incidents and obtain detailed information about all prior documented or undocumented past incidents with current and any past victims.
- ▶ Compare the suspect's explanation of how events and injuries occurred with the victim's account, the suspect's and victim's injuries, evidence, and witness' accounts.
- ▶ Ask the suspect about social media accounts (Facebook, Instagram, Snapchat, etc) and passwords.
- ▶ Obtain email accounts.

#### **After Suspect Interview:**

- ▶ After interview members should obtain suspect's clothing (blood drops, torn, steel toe shoes, etc.)
- ▶ Take photos of suspect (Face, hands, full body-front, and back, etc.) injuries or no injuries.
- ▶ If EPO is obtained, serve the suspect with a copy and read the conditions of the EPO (in appropriate primary language of suspect).

## **16. Preliminary Notifications**

Notify DOC/Special Victims Unit (SVU) in any of the following situations or if you have a question regarding reporting requirements:

- ▶ The victim has been strangled resulting in one or more of the following: loss of consciousness, the presence of petechiae, has urinated, defecated or vomited, or has been transported to an emergency room or a medical facility.
- ▶ The victim has incurred major physical trauma, (e.g. stabbed, gunshot wounds, broken bones, severe disfiguration, head trauma, burns, wounds requiring sutures.)
- ▶ A firearm or weapon was brandished, fired, referred to in a threatening manner or was present.
- ▶ The crime is on-going or falls within the provision of DGO 8.01 (Critical Incident, kidnapping, barricaded suspect, hostage situation, etc.)
- ▶ The victim is pregnant and has reported a physical assault and/or physical trauma.
- ▶ A homicide has occurred in which domestic violence or domestic violence stalking may be a factor.
- ▶ The suspect repeated unwanted contacts with the victim where the victim has been threatened or is in fear for his/her life.
- ▶ When there is a violation of any court order, such as an Emergency Protective Order (EPO), criminal protective order (CPO) or civil restraining order which involves:
  - ☐ stalking behavior
  - ☐ credible threats
  - ☐ unwanted contacts
  - ☐ repeated violations
  - ☐ violence
- ▶ Prior DV incidents involving criminal threats or violence by the same suspect.
- ▶ The suspect is outstanding, and there is credible information that the victim is in immediate risk of physical harm or that the suspect has made criminal threats.
- ▶ There is a pending domestic violence criminal case, or the suspect is on probation, post-release community supervision (PRCS), mandatory supervision, or parole for a domestic violence-related incident.
- ▶ SFPD member is seriously injured while handling the incident.
- ▶ The incident is or could be a potentially high profile media case.

Notify Crime Scene Investigation (CSI) when the crime scene needs to be processed and evidence gathered.

## **17. Felony and Misdemeanor Arrests (refer to DGO 6.09)**

## **18. Self Defense**

### **Self Defense**

- ▶ Persons have a legal right to defend themselves, their property, and third parties.
- ▶ Force must be reasonable.
- ▶ The use of reasonable force to protect oneself or one's family is not criminal conduct.

### **Elements of Self Defense**

- ▶ A person must reasonably believe they are about to be assaulted; can be based on history.
- ▶ The assault must be imminent.

- ▶ The amount of force used must be reasonable; no more than necessary to prevent the injury.
- ▶ The victim need not retreat or leave to avoid the attack.

#### 19. Mutual Aggressors

- ▶ Both parties equally assaultive
- ▶ After complete investigation
  - ☐ Have ruled out self-defense
  - ☐ Careful and thoughtful investigation completed
- ▶ May make a dual arrest if probable cause to believe both committed an offense
- ▶ Generally, do not cite and release in domestic violence cases
- ▶ **Dual arrests are discouraged** though not prohibited

#### 20. Summary of Action

- ▶ If only one person is assaultive or threatening, arrest if there is probable cause.
- ▶ If both parties appear to be assaultive or threatening, assess for self-defense and arrest the dominant aggressor.
- ▶ If both parties appear to be assaultive or threatening, and neither acted in self- defense, assess for dominant aggressor and arrest only the dominant aggressor.
- ▶ If both parties appear to be assaultive or threatening, and neither acted in self- defense or were the dominant aggressor, may arrest both as mutual (dual) aggressors.

#### 21. Cite and Release

- ▶ Law enforcement has a duty to protect victims from further domestic violence.
- ▶ Generally, do not cite and release in domestic violence cases.
- ▶ Use caution when deciding whether to cite and release in a dual arrest situation.
- ▶ Check with a supervisor.

#### 22. Emergency Protective Orders

- ▶ Request an Emergency Protective Order (EPO) for the victim. Fax the EPO to the ID Bureau and confirm receipt by calling the ID Bureau. Document the request, FAX and who was notified at the ID Bureau in the incident report. ID Bureau Fax: 415-553-1316. Refer to DGO 6.09, Seizure of Weapons.
- ▶ **PC 18250** (Seizure and Subsequent Procedures)
- ▶ **PC 16490** (Domestic violence defined)
- ▶ **PC 16120** (Abuse for Weapons Seizure)
- ▶ Members shall confiscate any firearm or other deadly weapon discovered in plain view at a domestic violence scene.
- ▶ Leave weapon in place and direct a member to watch over the weapon until the crime scene is processed unless it is unsafe to do so.
- ▶ Photograph the weapon and its location prior to confiscating it unless exigent circumstances exist.
- ▶ Pursuant to 18250 PC, when confiscating weapon(s) members shall give the owner or person in possession of the weapon a property receipt and tell him or her to contact the SVU regarding its return.
- ▶ If necessary for the protection of members or other persons present, inquire of the victim, alleged abuser, or both, whether a firearm/ammunition or deadly weapon is present at the location and confiscate any firearm/ammunition or deadly weapon discovered in plain sight or through a consensual or other lawful search and note this in the report (13730(3) PC). If an EPO is issued, request the immediate surrender of firearms once the perpetrator is served. (Family Code 6389). A search warrant can also be obtained.

- ▶ Check in the Consolidated Firearms System (CFS) and Prohibited Armed Persons (PAP) file to determine if firearms are registered to any involved person or if any involved person is prohibited from owning firearms.
- ▶ Seize any firearm/ammunition or other deadly weapon located in plain sight, discovered pursuant to a consensual search or other lawful search, as necessary for the protection of members or other persons present (18250 PC).
- ▶ Seize any firearms possessed in violation of 29800(a) PC-convicted felons, or 29805 PC-other specified misdemeanor convictions.
- ▶ If a firearm is confiscated, issue a receipt to the owner describing the firearm and listing the serial number or other known identifier. Explain that the weapon will be returned within five business days after the owner or possessor demonstrates compliance with PC sections 33850 and 33855 (must apply to the State Department of Justice for a determination of whether he or she is eligible to possess a firearm). If the weapon is seized as evidence of a crime or the owner of the firearm is subsequently prohibited from possession by a restraining order, the firearm will not be returned (PC 33850, 33855, 34000). If the person does not file the receipt with the court within 48 hours after being served with the protective order it is a violation of the protective order. (Refer to Firearms Relinquishment Protocol for further details).

### **23. Documenting the Incident**

- ▶ Maintain objectivity in reporting. Avoid personal opinions regarding comments from the victim/suspect.
- ▶ **Document your investigation with the mindset that your interviews, collection of evidence and documentation will be the sole opportunity for ensuring the successful outcome of the case.**
- ▶ Give a chronology of the abusive incident by describing what precipitated the incident, the details of the incident, the details of any injuries, how the injuries were inflicted and whether the injuries are consistent with the described abuse.
- ▶ Describe in detail all past incidents, including undocumented incidents, violations of existing or past restraining orders, and incidents with other victims (police reports number(s) of the previous documented incident(s)).
- ▶ Describe and photograph disarray at the scene and damaged property, including telephones.
- ▶ It is essential to **note in direct quotes all parties' spontaneous statements per Proposition 115**. This evidence is admissible regardless of victim's or other party's presence at trial (Post-Crawford).
- ▶ Include whether any party to the incident was or appeared to be under the influence of drugs or alcohol or is taking or has not taken prescribed medication.
- ▶ Statements of victim, suspect, and all witnesses including children.
- ▶ Names, ages, and the relationship of children who were present and/or residing in the home at the time the offense occurred or who were not present but reside in the home AND children who may not reside in the home but whose parents are involved in the domestic violence incident.
- ▶ Names, addresses, and ages of children present in the home at the time of the incident, who may not be related to the victim and/or suspect. Include information on their whereabouts after the incident.
- ▶ If any pets were threatened, harmed, or there is evidence of animal abuse.
- ▶ Whether the member found it necessary, for the protection of the member or other persons present, to inquire of the victim, abuser, or both, whether a firearm or other deadly weapon was present at the location (13730 PC).
- ▶ Any emergency/secondary contact information. This should include name, relationship, telephone number(s) and address. All email addresses should be obtained. All cellular and text messaging contact information should be obtained. Obtain all employment information.
- ▶ If a valid restraining order prohibits firearms possession or ownership by a person involved in the incident, the member shall make a record in the incident report of:

- ☐ Inquiries made to determine if the restrained person possesses any firearms/ammunition.
- ☐ The results of efforts made to locate and seize any unlawfully possessed firearms/ammunition, including requesting a search warrant.
- ▶ If a violation of a restraining order is alleged:
  - ☐ In the incident report, describe the specific terms of the order that were violated by the restrained person.
  - ☐ Book into evidence the order from DVROS.
  - ☐ Request records or communications personnel that information on the reported violation is entered into the Domestic Violence Restraining Order System (DVROS). See the California Department of Justice Information Bulletin #02-05-BCIA, dated April 4, 2002.
- ▶ When documenting a domestic violence-related crime, identify the report as a domestic violence incident on the face of the report as required by Penal Code Section 13730 (c).
- ▶ If a victim spontaneously states that prosecution is not desired, the victim should be told that the decision to prosecute is made by the District Attorney. Members shall not advise victims of domestic violence that the victim has the authority to “press” charges or “drop” charges.
- ▶ Complete forms 480a & 480b additionally in cases of violations of court orders, stalking or stalking-related activities (phone messages, letters, etc.) and reports of violation(s) of restraining orders.
- ▶ Ensure victim signs medical waiver on 480 forms.
- ▶ Confirm contact number(s) and email address for the victim are correct and functioning.
- ▶ Identify suspect via Cal-photo, mug photo, or home photo. **Have victim review and sign photo of the known suspect.**
- ▶ Ensure that any LEP statement is translated prior to filing the incident report.
- ▶ Include notification to FCS, APS, probation, and parole or any other agency in the report, including the name(s) of the contact person(s) and if the report was faxed to the notified person(s).
- ▶ Ensure that the incident report is identified as a domestic violence case even when other charges are included or call originally described as a “suspicious occurrence” or verbal assault.
- ▶ Scan EPO, statements, and other attachments (upload) before booking them into evidence.
- ▶ The victim receives the Domestic Violence Resource Card per Penal Code Section 13701(i).
- ▶ If a felony arrest is made on an injury involving a complaint of pain with no visible injuries, the member shall give a detailed description of the force used, including the type of force, a number of blows inflicted, etc. (i.e., fist, open hand slap, etc.). A description of the extent and severity of the pain is also necessary.
  - ☐ Does the victim have difficulty breathing?
  - ☐ Does the victim have difficulty standing or moving?
  - ☐ If the victim is experiencing other restrictions as a result of the injuries?
- ▶ **The member shall note whether the victim requires medical attention. If so, summon medical assistance, medical facility, make notifications to SVU of serious injuries, and obtain a signed medical release form.**
- ▶ Strangulation attempts shall be explicitly described. It should be noted whether hands or a ligature device was used. The force of the attempt should be detailed. If present, consider additional charges of 664/187 PC, attempted murder, 245 PC, assault with force likely to produce great bodily injury, 422 PC criminal threat, 236 PC false imprisonment or 243(d), battery with serious bodily injury.
  - ☐ Did the victim lose consciousness?
  - ☐ Does the victim have difficulty breathing or swallowing?
  - ☐ Are there any marks visible on the victim’s neck?
  - ☐ Does the victim complain of a hoarse or raspy voice as a result of the injuries?

- ☐ Is there an indication of petechiae (rupture of the small capillaries, usually in the eyes, head or neck area above the point of constriction)?
- ☐ Did suspect make credible threat he was going to kill or cause GBI to the victim?
- ☐ Was the victim held against their will (restrained, confined or detained)?
- ☐ **Members are to inform the victim to have follow-up photograph of injuries within 48 hours after the abuse at the Photo Lab (850 Bryant Street, room 414).**
- ☐ **Remember you SHALL call an ambulance if a victim has been strangled.**

#### **24. Arresting Suspects on Probation, Mandatory Supervision, Post Release Community Supervision or State Parole**

Members are required to notify all proper authorities of probation/parole violations pursuant to Department Policy.

#### **25. Stalking**

**Definition:** "Stalking" (646.9 PC) is defined as, "any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person AND makes a credible threat with the intent to place that person in reasonable fear for his or her safety."

##### **Requirements:**

- ▶ The victim was followed or harassed by the suspect.
- ▶ Harassment means a knowing and willful course of conduct directed at the victim and serves no legitimate purpose *and*
- ▶ There has been a pattern of conduct composed of two or more acts over a period of time that would cause a reasonable person to suffer emotional distress *and*
- ▶ The victim has suffered such emotional distress *and*
- ▶ A credible threat was made by the suspect to the victim *and*
- ▶ The threat was verbal or written, or implied by a pattern of conduct or a combination of verbal and written statements *and*
- ▶ Conduct made with intent and the apparent ability to carry out the threat *and*
- ▶ The victim was put in fear for her/his safety or the safety of her/his immediate family.

Immediate family includes:

- ☐ Spouse
- ☐ Parent
- ☐ Child
- ☐ Any person related by blood or marriage within the second degree (siblings, aunts, uncles, and grandparents)
- ☐ Any other person, including cohabitants of the same gender, who regularly resided in the household
- ☐ Any other person who regularly lived in the household during the last six months

##### **Questions:**

In addition to investigating the immediate incident, ask the following questions to see if the suspect should be charged with stalking:

- ▶ Do you have any restraining orders against the suspect? If so, obtain copies of the application and restraining order and attach to the incident report.
- ▶ Have there been other incidents? Where? When? What occurred?
- ▶ Any prior reports made? List related report numbers and other outside agencies, if possible.
- ▶ Any medical treatment needed? If so, obtain details about treatment.
- ▶ Weapons used?
- ▶ Any physical evidence such as letters, tapes, emails, texts, presents, vandalism, etc.?
- ▶ Any witnesses? (Name, address, phone numbers)
- ▶ Has the suspect ever been arrested for anything s/he has done to you or your immediate family? Include details.
- ▶ Has the suspect ever been violent to you or any family or household members? Include details.
- ▶ Has the suspect ever threatened you or any family or household members? Include details.
- ▶ Has the suspect ever followed or harassed you? Include details.
- ▶ Are you afraid or in fear for your safety or the safety of any of your immediate family? Why? Be specific.
- ▶ What have you changed in your life since behavior began?
  - 1) Moved
  - 2) Bought an alarm
  - 3) Bought a weapon
  - 4) Told others about the suspect
  - 5) Posted suspect's photo
  - 6) Is there anything else that you wish to say to me about the suspect's actions or words that have made you afraid of him/her? Include details.

**Note:** In the incident report, include actual quotes made by the suspect.

#### **Investigative Duties:**

- ▶ Officially identify the suspect via CDL or SF mugshot.
- ▶ Collect any written communication, text messages, electronic communications sent via social media platforms, emails and voicemails left by the suspect.
- ▶ Photograph and collect any gifts left by the suspect.
- ▶ Photograph any vandalism attributed to the suspect.
- ▶ Obtain witness statements and contact information.
- ▶ Canvas for video and collect video.
- ▶ Obtain copies of stay away orders including the application for the restraining order which often times contain important aspects of the relationship.
- ▶ Obtain copies of the Proof of Service forms for any court orders.
- ▶ Patrol members at the scene of a stalking investigation shall seek an emergency protective order by contacting the 24 hour on call magistrate.
- ▶ Patrol members should explain fully and completely the process for obtaining a temporary restraining order at 400 McAllister and that there are agencies to assist in the TRO application.
- ▶ Patrol members shall provide the victim with a case number and follow up instructions to contact SVU the following day.
- ▶ Patrol members shall offer shelter and confidentiality to stalking victims.
- ▶ PSA's are prohibited from taking stalking reports and violations of court order reports.
- ▶ If patrol members have questions, they are encouraged to contact members of SVU who are assigned to specifically handle stalking investigations.

**Assignment:**

- ▶ Patrol supervisors shall ensure domestic violence incident reports listing stalking as the crime should be routed to the Special Victims Unit (SVU) for investigation. Use "Stalking" as the incident report title and "Domestic Violence" as the secondary type of incident.
- ▶ Stalking incidents not related to domestic violence but involving high-profile individuals, public officials or dignitaries are investigated by the Special Investigations Division (SID).
- ▶ All other stalking incidents shall be assigned to and investigated by the District Station Investigations Team.

**Prosecution:**

- ▶ Stalking is a felony when both elements of the crime are present.
- ▶ A domestic violence-related stalking case can also be prosecuted when the victim is stalked through the use of electronic devices such as e-mail, instant messaging, text messaging, etc. There have also been instances when victims have been stalked by a suspect through the use of global positioning systems (GPS) or through video, digital cameras, or listening devices. Physical proof of usage devices should be seized and booked as evidence. Victims should also be encouraged to seek restraining orders when applicable.
- ▶ Other charges such as annoying phone calls (653m PC) and the aggressive pursuit of another person (122 MPC) should also be considered.
- ▶ Members with questions about stalking incidents can contact SVU (415) 553-9225, SID (415) 553-1133, or their District Station's Investigation Team.

**26. Member-Involved Domestic Violence**

Members responding to a domestic violence incident involving a SFPD member are reminded to follow the procedures of Department General Order 6.20 (Member-Involved Domestic Violence), including notifying the field supervisor and Department Operations Center immediately.

**27. More on Protective Orders****Types of Civil Restraining Orders:**

- ▶ Domestic Violence Restraining Order Issued by Family Court under the
  - ☐ Domestic Violence Prevention Act (DVPA),
  - ☐ Family Law Act (FLA) in a divorce or custody action, or
  - ☐ Uniform Parentage Act (UPA) (for unmarried parents with a child in common
  - ☐ Valid up to 5 years, renewable permanently or for five more years
- ▶ Juvenile Restraining Order
  - ☐ Welfare & Institutions Code sections 213.5, 304, 362.4, 726.5
  - ☐ Valid up to 3 years
- ▶ Civil Harassment
  - ☐ Code of Civil Procedure section 527.6
  - ☐ Valid up to 5 years, renewable for five more years
- ▶ Workplace Violence
  - ☐ Code of Civil Procedure section 527.8
  - ☐ Valid up to 3 years, renewable for three more years
- ▶ Private Postsecondary School Violence
  - ☐ Code of Civil Procedure section 527.85

- ☐ Valid up to 3 years, renewable for three more years
- ▶ Elder and Dependent Adult Abuse
  - ☐ Welfare and Institutions Code section 15657.03
  - ☐ All forms of abuse, including financial abuse
  - ☐ Valid up to 5 years, renewable permanently or for five more years
- ▶ Gun Violence Restraining Order
  - ☐ Penal Code sections 18100-18205
  - ☐ Valid up to 1 year, renewable for 1 year at a time

<u>Type of Order</u>	<u>Obtained By and From</u>	<u>Usually Served By</u>
Emergency Protective Order (EPO)	Peace Member from Superior Court by Telephone 24/7	Requesting LE agency
Restraining Orders	Victim from various departments of the Civil Court	An adult who is not a party to the action
Criminal Protective Order (CPO) /" Stay Away Order"	Prosecutor from the Criminal Court	The bailiff during the criminal hearing (or orally by the judge)

#### Proof of Service:

- ▶ A document signed under penalty of perjury that a suspect/defendant has been served a copy of the restraining order by an adult who is not a party to the action.
- ▶ Law Enforcement is included in those who can serve.

#### Foreign Orders:

- ▶ Orders relating to domestic violence issued by courts of other states, the District of Columbia, commonwealths, territories, insular possessions, tribal courts, military tribunals, and Canadian courts.
- ▶ Treated the same as orders issued locally.
- ▶ Fully valid, honored, and enforceable.
- ▶ Arrest for violations.
- ▶ Do not need to be registered in California.

#### Law Enforcement Duties:

- ▶ Verify the existence of any order whenever requested by a complainant and when taking enforcement action.
- ▶ Agencies must maintain records of all restraining orders and protection orders issued.
- ▶ Enter service of an order directly into CLETS CARPOS (California Restraining and Protective Order System) within 1 day of service.

#### Verifying a Court Order:

- ▶ Step 1 - The Order Is:

- ☐ On file with the Department, or
  - ☐ The victim has a copy (certified copy **not** required)
  - ☐ CARPOS (CLETS)
- ▶ Step 2 - The Order Is Still Valid:
- ☐ EPOs, civil restraining orders, and post-conviction Criminal Protective Orders should have expiration date written on face of order
  - ☐ EPO - 5 court days, up to 7 calendar days
  - ☐ TRO - 21 days up to 25 days with good cause
  - ☐ Civil Restraining Order After Hearing (ROAH)—up to 1-5 years depending on type of order
  - ☐ Criminal Protective Order under Penal Code section 136.2--check court record (valid during pendency of criminal case, or issued as condition of probation under Penal Code section 1203.097)
  - ☐ Post-conviction Criminal Protective Order – up to 10 years
- ▶ Step 3 - Restrained Party Has Notice or Has Been Served:
- ☐ Personally served or proof of service on file
  - ☐ Present when the court made an order
  - ☐ Personally served with TRO and served with ROAH by mail
- ▶ Step 4 - The terms and conditions of the order:
- ☐ CARPROS is part of CLETS. CARPOS enables law enforcement to access information to verify restraining orders and bridges to NCIC for orders entered by other states.
  - ☐ Is the Order Valid? Check for:
    - Case number
    - Court stamp
    - Valid service or notice
    - Date of expiration
    - Specific terms
    - Protected and restrained parties
    - Judge's signature or stamp
    - There is NO requirement that a copy of the order be certified in order to be enforced

When a Member verifies an Order exists, but cannot verify Proof of Service or Notice:

- ▶ Verbally inform the suspect of the terms of the order;
  - ▶ Member at scene of reported domestic violence shall serve a copy of the order on the restrained party, complete proof of service form provided to the member by the protected party, and transmit the completed proof of service form to the issuing court;
  - ▶ Admonish suspect of the order, that the suspect is now on notice, and a violation of the order will result in an arrest;
  - ▶ Make an arrest if the suspect continues to violate the order after being advised of the terms;
  - ▶ Document the incident with a police report; and
  - ▶ Forward report to Legal for entry in CARPOS.
  - ▶ Advise the Protected Party to carry a copy of the order in possession at all times.
- ☐ Assists members with order's verification
  - ☐ Can be a problem using CARPOS

- ▶ If cannot verify order and victim does not have a copy

- ☐ Follow agency policy
- ☐ Consider seeking EPO

#### Violation of a Civil Court Order Penal Code 273.6

- ▶ Any person who intentionally and knowingly violates a civil restraining order is guilty of a misdemeanor.
- ▶ Violation of PC 273.6 is a misdemeanor, unless:
  - ☐ The violation and conviction occur within 7 years of a prior conviction, and the offense involves a credible threat of violence or violence, the crime is a felony/misdemeanor.
  - ☐ A violation occurs within 1 year of a prior conviction for the same crime and results in an injury, the crime is a felony/misdemeanor.

#### Violations of Criminal Court Orders PC 166 Contempt

- ▶ PC 166(c)(1) willful disobedience of a domestic violence order issued as part of a pending case or as a condition of probation.
- ▶ 166(b)(1) willful disobedience of a court order by a person previously convicted of stalking.
- ▶ PC 166(a)(4) willful disobedience of other court orders.
- ▶ Same punishment as for PC 273.6.

#### Enforcement of Orders

##### ▶ **Civil Court Orders**

###### **PC 273.6**

- ☐ Emergency Protective Orders
- ☐ Temporary Restraining Orders
- ☐ Restraining Orders After Hearing
- ☐ Foreign Orders

##### ▶ **Criminal Court Orders**

###### **PC 166**

- ☐ Criminal Protective Orders
- ☐ Stalking EPO
- ☐ Domestic Violence Orders after Conviction

#### If the Restrained Party Has Left the Scene:

- ▶ Write a report.
- ▶ Advise victim of follow up procedures and report number.
- ▶ Make reasonable efforts to locate and arrest the restrained party.

**Remember:** a restrained party under domestic violence restraining order is prohibited from possessing, owning, purchasing, or receiving, or attempting to purchase or receive a firearm or ammunition. Crimes are under PC 29825 (a), (b), PC 166(d), FC 6389, and PC 273.6.

Penal Code 836(c)(1)

A member **shall** make a warrantless arrest for a misdemeanor not committed in their presence without a private person's arrest:

- ▶ For violation of a civil, criminal, or foreign DV or stalking restraining order.
- ▶ For violation of a Civil Harassment restraining order.
- ▶ For violation of a Juvenile Court restraining order.
- ▶ For violation of an Elder and Dependent Adult Abuse restraining order.
- ▶ If probable cause to believe order has been violated and a suspect has notice of the order.
- ▶ Do not cite and release, **book**.

Arrest Criteria:

- ▶ Proof of service in CARPOS, or
- ▶ Suspect present in court when order made, or
- ▶ There is proof the restrained party was previously notified, admonished by law enforcement, or served by a member, or
- ▶ There is proof the restrained party was served by an adult who is not a party to the action, or
- ▶ The complainant presents to the member proof of service of the order.

Multiple Conflicting Orders:

- ▶ Criminal court orders take precedence over civil orders (PC 136.2(h)).
- ▶ If there are no other rules regarding priority, enforce the most recently issued order.
- ▶ If there are an existing criminal order and a new EPO that conflicts, enforce the EPO as to any conflicting provisions.

Member's Duties:

The member shall serve **unserved** DV protective orders, elder abuse, and harassment orders:

- ▶ Any time suspect is in custody.
- ▶ Any time the subject of an EPO is located.
- ▶ At the request of the victim at a domestic violence, elder abuse, or harassment scene. The victim cannot call a police member just to serve an order.

When Serving a DV Protective Order:

- ▶ Members shall attempt to locate and secure deadly weapons and firearms when necessary for member safety or safety of persons at the location.
- ▶ PC 18250 (eff. 1-1-13)

When Serving a DV Protective Order:

- ▶ Members shall attempt to locate and secure deadly weapons and firearms when necessary for member safety or safety of persons at the location.
- ▶ PC 18250 (eff. 1-1-13)

Under **NO CIRCUMSTANCES** shall a member fail to prepare an incident report on a restraining order violation simply because the suspect is no longer present. DV forms **SHALL** be filled out for all violation of protective orders.

## ***D. DOMESTIC VIOLENCE CRIMES AND PENAL CODES***

### ***COMMON CHARGES***

A situation involving domestic violence may result in a violation of one or more of the following sections of the Penal Code: (This list is not exhaustive.)

1	136.1	Intimidating or dissuading a witness
2	148	Resisting arrest
3	166	Violation of a court order-typically criminal court order
4	187	Murder
5	206	Torture
6	207	Kidnapping
7	236/237	False Imprisonment
8	236.1	Human Trafficking
9	240	Assault
10	243(a)	Battery
11	243(e)(1)	Battery-Spousal/cohabitant/parent of suspect's child/former spouse/fiancée/fiancé/dating and former dating relationship abuse
12	243(d)	Battery with serious bodily injury
13	243.25	Battery of an elder of dependent adult, who knew or should have known that the victim is an elder or dependent adult
14	243.4	Sexual battery
15	245(a)(1)	Assault with a deadly weapon
16	245(a)(4)	Assault by means of force likely to produce great bodily injury
17	246(a)	Shooting at an inhabited dwelling
18	261.5	Unlawful sexual intercourse
19	262	Spousal rape eliminates the reporting or corroboration requirements. Now consistent with P.C. 261
20	270.6	Leaving California with the intent to avoid paying spousal support, after having notice that a court has made a temporary or permanent order
21	273.5(a)	Abuse of spouse, former spouse, cohabitant, former cohabitant, parent of suspect's child, fiancé, current or previous dating relationship
22	273.6	Violation of a protective order
23	273a	Child abuse/endangerment
	273a(a)	Felony
	273a(b)	Misdemeanor

24	368	Crimes against elder or dependent adults
25	417	Brandishing a weapon
26	418	Forcible entry into the home of another
27	422	Criminal threats
28	459-1 <sup>st</sup>	Burglary
29	591	Malicious destruction of a telephone line
30	591.5	Unlawful removal, damage of wireless communication device, or obstructing use of such device to summon law enforcement.
31	594	Vandalism
32	597a	Cruelty to animals
33	603	Forcible entry with damage to property
34	646.9	Stalking
35	653m(a)	Obscene or threatening phone calls or electronic contacts
36	653m(b)	Making repeated, annoying telephone calls or electronic contacts
37	653m(e)	653m (a) and (b) are violated when a person knowingly permits any telephone or electronic communication under the person's control to be used for the purposes prohibited by these subdivisions.
36	29825	A restrained person possesses or attempt to purchase a firearm
37	25400	Possession of a concealed firearm
38	18250	Confiscation of firearms (authorized for seizure)
40	25850(a)	Possession of a loaded firearm (person or vehicle)
41	653.2	Electronically distributing, publishing, emailing, or making available for download, personal identifying information of an electronic message of a harassing nature, about another person, with the intent to place the person in reasonable fear for his or her safety, or his or her immediate family's safety, and for the purpose of imminently causing the person unwanted physical contact, injury or harassment by a third party.
42	528.5m	Knowing and without consent, credibly impersonating another actual person through or on an Internet Website or by other electronic means, for purposes, of harming, intimidating, threatening, or defrauding another person
43	664	Attempt of any above

## **E. TELEPHONE NUMBERS AND CONTACT RESOURCES INFORMATION**

### **EMERGENCY HOUSING/SHELTERS**

<b>AGENCY NAME</b>	<b>CONTACT INFORMATION</b>
Asian Woman's Shelter	415-751-0880
La Casa de las Madres	877-503-1850
Riley Center	415-552-2943 Emergency Shelter: 415-255-0165

### **24-HOUR HOTLINES**

<b>AGENCY NAME</b>	<b>CONTACT INFORMATION</b>
La Casa de las Madres	(ADULTS) 877-503-1850 (TEENS) 877-923-0700
W.O.M.A.N. Inc.	877-384-3578
The National Domestic Violence Hotline	800-799-7233
TALK Line	415-441-KIDS (5437)
Children's Services (FSC) Hotline	800-856-5553
National Human Trafficking Resource Center	888-373-7888
Freedom House	650-488-0831
Asian Women's Shelter, Crisis Line	877-751-0880
San Francisco Suicide Prevention	415-781-0500

### **LGB/QQ/TGN/I**

<b>AGENCY NAME</b>	<b>CONTACT INFORMATION</b>
LYRIC Center for LGB/QQ/TGN/I Youth	415-703-6150
Community United Against Violence (CUAV)	415-333-HELP (4357)

### **DEAF AND HARD OF HEARING**

<b>AGENCY NAME</b>	<b>CONTACT INFORMATION</b>
Deaf Hope	510-735-8553
Deaf Counseling Advocacy & Referral Agency	510-343-6670

### **SERVICES FOR VICTIM**

<b>AGENCY NAME</b>	<b>CONTACT INFORMATION</b>
San Francisco District Attorney's Victim Services Division (350 Rhode Island Street, Building, Suite 400N, San Francisco, CA, 94103)	628 652-4100 (Mon.-Fri. 08:00am to 4:00PM)

#### SERVICES FOR CHILDREN

<b>AGENCY NAME</b>	<b>CONTACT INFORMATION</b>
Child Protective Services, Hotline	415-558-2650
Child Crisis Service	415-970-3800
Child Trauma Program	415-206-5311
TALK Line Family Support Center/ Parent referral (24 hours)	415-441-KIDS (5437)
Diamond Youth Shelter	800-669-6196
Safe Start	415-668-0494

#### SERVICES FOR YOUTH

<b>AGENCY NAME</b>	<b>CONTACT INFORMATION</b>
Huckleberry House	415-621-2929
Larkin Street Youth Service	415-673-0911
National Runaway Safe Line	800-RUNAWAY (786-2929) (Text 66008)

#### SERVICES FOR ELDERS

<b>AGENCY NAME</b>	<b>CONTACT INFORMATION</b>
Adult Protective Services	415-355-6700 415-557-5230
Legal Assistance to the Elderly Inc.	415-538-3333

#### RESTRAINING ORDER AND LEGAL INFORMATION

<b>AGENCY NAME</b>	<b>CONTACT INFORMATION</b>
Asian Pacific Islander Legal Outreach	415-567-6255
Bay Area Legal Aid	415-982-1300
Community United Against Violence (CUAV) *LGB/QQ/TGN/I survivors of violence	415-333-4357
Cooperative Restraining Order Clinic (CROC)	415-969-6711
Juvenile Justice Center	415-753-7800
Justice and Diversity Center	415-989-1616

W.O.M.A.N. Inc.	415-864-4722
-----------------	--------------

### VINE (Victim Information and Notification Everyday)

For further information on an inmate's custody status, call the San Francisco Sheriff's Department:

AGENCY NAME	CONTACT INFORMATION
San Francisco Sheriff's Department <a href="http://www.vine.com">www.vine.com</a>	877-411-5588 (VINE) 415 575-4378

### SEXUAL ASSAULT

AGENCY NAME	CONTACT INFORMATION
SF Trauma Recovery Center	415-821-3222
SF Women Against Rape	Main: 415-861-2024 24-hour Crisis Line: 415-647-7273

### HUMAN TRAFFICKING

AGENCY NAME	CONTACT INFORMATION
National Human Trafficking Resource Center (NHTRC)	888-373-7888 Victim can text BeFree (233733)
API Legal Outreach – Asian Women's Shelter	415-567-6255
Asian Women's Shelter Crisis Line	877-751-0880
Freedom House	650-488-0831
Human Trafficking Tip Line (24-hour)	415-643-6233

### COUNSELING AND SUPPORT SERVICES FOR VICTIMS

AGENCY NAME	CONTACT INFORMATION
Community United Against Violence (Same sex DV)*	415-333-4357
La Casa de las Madres	Adult Crisis Line (toll free) 1-877-503-1850 Teen Crisis Line (toll free) 1-877-923-0700 Business office 415-503-0500
W.O.M.A.N. Inc.	415-864-4722
Survivor Restoration Program of Sheriff's Department	415 734-2312
Suicide Prevention	Crisis Line: (415) 781-0500 TTY: 415-227-0245 Crisis Text Line: Text "MYLIFE" to 741741

### FOR OFFENDERS

In criminal cases, probation will make the referral. The following resources are available on a voluntary basis:

<b>AGENCY NAME</b>	<b>CONTACT INFORMATION</b>
Men in Progress (Glide Church)	415-674-6151
Men's Program -- Marin Hotline/Crisis Line	415-924-1070
POCOVI (Spanish Speaking)	415-552-1361
Pursuant to the A.D.A. (Americans with Disabilities Act), if alternative format is needed contact these agencies	A.D.A. Coordinator 415-837-7221 TTY 415-575-6082

## ***F. APPENDIX***

SFPD Domestic Violence Manual Member Reference Guide

SFPD Domestic Violence Supplemental Checklist

SFPD Special Victims Unit Follow Up & Referral Card

Department General Order 5.22 (Interacting with Transgender, Gender-Variant, and Nonbinary Individuals)

Department General Order 5.20 (Language Access Services for Limited English Proficient (LEP) Persons)

Department General Order 6.02 (Physical Evidence and Crime Scenes)

Department General Order 6.15 (Property Processing)

Department General Order 6.20 (Member-Involved Domestic Violence)

Department General Order 7.04 (Children of Arrested Parents)

Refer to current Department Notice/Policy regarding Marsy's Rights card—Victim Rights Notification.

Refer to current Department Notice/Policy regarding (Providing Language Access Services for Limited English Proficient (LEP) Individuals)

Refer to current Department Notice/Policy regarding (Translation of Statements Prior to Completing Incident Reports).

Refer to the current Department Notice/Policy on New Family & Children Services Referral Card (SFPD 570)

Department Notice 19-238, Gun Violence Restraining

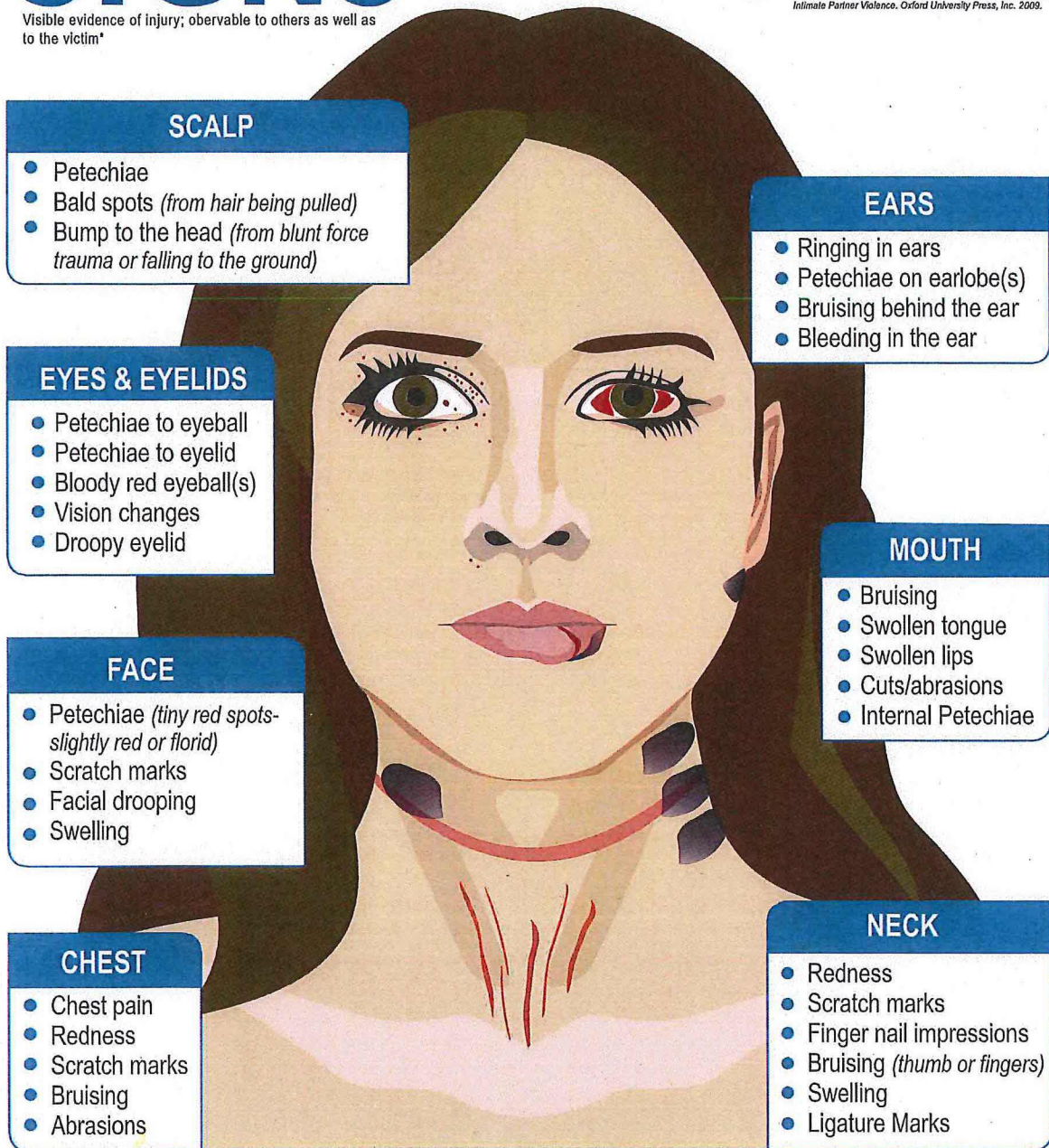
SB 1331: Peace Members – Domestic Violence Training: The Assessment of Lethality or Signs of Lethal Violence Situations (Commission on Peace Member Standards and Training Bulletin 2019-04

Signs and Symptoms of Strangulation (Training Institute on Strangulation Prevention)

# SIGNS of Strangulation

Visible evidence of injury; observable to others as well as to the victim\*

Source: Strangulation in Intimate Partner Violence, Chapter 16, Intimate Partner Violence, Oxford University Press, Inc. 2009.



[strangulationtraininginstitute.com](http://strangulationtraininginstitute.com)

\* The lack of visible signs does not eliminate the possibility of strangulation; invisible symptoms may also be present.

